Washington, Friday, August 1, 1958

# TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

NONIMMIGRANTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 206—REVOCATION OF APPROVAL OF PETITIONS

- 1. The introductory material of \$206.1 Automatic revocation is amended by deleting the reference "214h" and inserting in lieu thereof the reference "214".
- 2. Paragraph (d) is added to § 206.1 Automatic revocation to read as follows:
- (d) When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.
- 3. Section 206.2 Revocation on notice is amended by deleting the reference "214h" and inserting in lieu thereof the reference "214".
- 4. Sections 206.11 Notice of revocation and 206.22 Notice of revocation are revoked.
- 5. Section 206.21 Revocation on notice; procedure is renumbered and amended to read as follows:

§ 206.3 Procedure. Revocation of approval of a petition under § 206.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If, upon reconsideration, the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 10 days from the receipt of notification of the decision within which to appeal as provided in Part 6 of this chapter if the petition initially was approved for classi-

fication under section 205 of the act, or as provided in Part 7 of this chapter if the petition initially was approved for classification under section 204 or 214 (c) of the act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Subparagraph (5) of paragraph (a) Visa and passport waivers of § 212.1 Documentary requirements for nonimmigrants is amended by deleting the reference "§ 214c.1" and inserting in lieu thereof the reference "§ 214.2 (c) (1)".

### PART 214-NONIMMIGRANT CLASSES

- 1. The headnote to Part 214—Admission of Nonimmigrants: General is amended to read as set forth above.
- 2. Part 214 is amended to read as follows:

214.1 General requirements for admission, extension, and maintenance of status.

214.2 Special requirements for admission, extension, and maintenance of status.

214.3 Petitions for approval of schools.214.4 Petitions for temporary workers.

AUTHORITY: §§ 214.1 to 214.4 issued under sec. 103, 66 Stat. 173; 8 U.S. C. 1103. Interpret or apply secs. 101, 212, 214, 66 Stat. 166, 182, 189; 8 U.S. C. 1101, 1182, 1184.

§ 214.1 General requirements for admission, extension, and maintenance of status. Every nonimmigrant alien applicant for admission or extension of stay in the United States shall establish that he is admissible to the United States or that a ground of inadmissibility has been waived under section 212 (d) (3) of the act; present a passport, valid for the period set forth in section 212 (a) (26) of the act, except as otherwise provided in this chapter, and, upon admission, a valid visa, except when either or both documents have been waived: agree that he will abide by all the terms and conditions of his admission or extension, and that he will depart at the expiration of the period of his admis-

(Continued on next page)

### CONTENTS

Agricultural Marketing Service Rules and regulations:	Page
Pears, certain varieties, grown	
Pears, certain varieties, grown in Oregon, Washington, and California; regulation by	F000
grades and sizesAgriculture Department	5838
See Agricultural Marketing Serv-	
ice; Forest Service.	
Army Department Notices:	
Employment without compen-	
sation and statement of	
business interests:	
Coates, Kenneth B	5842
Heacock, Byron C McCrossin, Edward F	5841 5841
Pfeil, John S	5841
Commerce Department	0011
Notices.	
Bassett, Charles K.; statement of changes in financial interests	
of changes in financial	
interests	5843
ennointment and statement	
of financial interests	5843
Defense Department	0010
See Army Department.	
Federal Communications Com-	
mission	
Rules and regulations:	
Frequency allocations and radio	
treaty matters; general rules and regulations; table of	
	5330
Federal Power Commission	0000
Notices:	
Hearings, etc.:	
Cities Service Gas Co Colorado-Wyoming Gas Co_	5843
Colorado-Wyoming Gas Co	5343
Texas Co	5844
Federal Trade Commission	
Rules and regulations:	
Macaroni and noodle products industry; trade practice	
rules	5821
Forest Service	
Notices:	
Regional foresters and acting	
regional foresters; delegation	
of authority for procurement of engineering services by	
negotiated contract	5842
mosomatca commactining	2047



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## CFR SUPPLEMENTS

(As of January 1, 1958)

All Supplements and revised books have been issued and are now available except the following:

Titles 1-3

### General Index

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued		
Immigration and Naturaliza-	Page	
Rules and regulations: Miscellaneous amendments to chapter; nonimmigrants	5815·	or or or or
Interior Department  See also Land Management  Bureau.  Notices:		T
Certain waters adjacent to Upper Mississippi River Wild- life and Fish Refuge, Iowa, Minnesota, and Wisconsin; notice of intention to desig- nate as closed areas	<b>584</b> 2	TC
Interstate Commerce Commission Notices: Fourth section applications for relief	5845	C

### CONTENTS—Continue

CONTENTS—Continued		(
Interstate Commerce Commis-, sion—Continued	Page	Tit Ch
Notices—Continued  Motor carrier transfer proceed- ings————————————————————————————————————	5846	
aggregate - of - intermediates rates; applications for relief.	5828	
Justice Department See Immigration and Naturalization Service.	•	
Labor Department See Wage and Hour Commission. Land Management Bureau		
Notices:  Minnesota; filing of plat of  survey	5842	_
Rules and regulations: Alaska; public land orders (2 documents)		Ti Cl
Post Office Department Rules and regulations: Bulk mailings, second class, controlled circulation publica- tions; miscellaneous amend-		Ti Cl
ments  First class; classification  Miscellaneous amendments to chapter		,
Securities and Exchange Com- mission Notices:	0040	· C1
Hearings, etc.:  Research Mutual Corp United Drive-In Theaters Corp	5844 5844	
Small Business Administration Notices: Declarations of disaster areas: Illinois Missouri Head, Procurement and Supply Branch; delegations of au-	5845 5845	
thority relating to procure- ment and supply functions Wage and Hour Division	5845	
Proposed rule making: Various industries in Puerto Rico; appointment to investigate conditions and recommend minimum wages, hearing	5839	Ti Ci
CODIFICATION GUIDE		
A numerical list of the parts of the of Federal Regulations affected by docupublished in this issue. Proposed ru opposed to final actions, are identification.	ments les, as	Ti Ci
such. Title 3	Page	. Ti C
Chapter II (Executive orders): 3406 (revoked by PLO 1695) 8979 (see PLO 1695) Title 7	5829 5829	si hi
Chapter IX: Part 939 Title 8	5838	an in qu
Chapter I: Part 206 Part 212 Part 214	5815	in tie ex th
Parts 214a-214m Part 237	5818	de

### CODIFICATION GUIDE—Con.

	Confinued -Continued	Page
		5818
		5818
		5818
Part 312.		5818
		5818
		5818
		5818
Part 324.		5818
		5819
		5819
		5819 5819
		5819
		5820
	3	5820
	0	5820
	V	5820
	2	5821
Title 16	·	0021
Chanter To		
Part 129		5821
		5541
Title 29		
Chapter V		E000
	(proposed)	5839
Part 673	(proposed)	5839 5839
Part 675	(proposed)	5839
	(proposed)	0000
Title 39		
Chapter I	-	E00.
Part 16	· .	5824
		5824
		5824
		5824 5825
		5826
Part 112		5820
		5826
		582'
		582'
		582'
		582
		582
		582'
		582'
		5828
		5828
Part 152		5828
Part 161		5828
		582
Part 163		5828
Title 43		
Chapter I	-	
	x (Public land orders):	
1694		5829
		582
Title 47		
Chapter I	1	
Part 2	- ,	5830
Chapter I	!	
Dort 149	: 	5828
		0046

5829 sion or extension or on abandonment of his authorized nonimmigrant status; and post a bond on Form I-317 or I-377 in the sum of not less than \$500 if required by the district director, special inquiry officer, or the Board of Immigration Appeals at the time of admission or extension, to insure the maintenance of the alien's nonimmigrant status and his departure from the United States. Non-5818 simmigrants other than of the classes

Ø :

defined in section 101 (a) (15) (C) or (D) of the act (members of which classes are ineligible for extensions of stay) or Title V of the Agricultural Act of 1949. as amended, who are maintaining nonimmigrant status and whose period of admission has not expired shall apply on Form I-539 and may be granted or denied, without appeal, extensions of their periods of temporary admission, and, in the case of a nonimmigrant alien of the class defined in section 101 (a) (15) (F) of the act, authorization of employment or practical training by an officer in charge of a suboffice or a district director.

§ 214.2 Special requirements for admission, extension, and maintenance of status. The general requirements in § 214.1 are modified for the following nonimmigrant classes:

(a) Foreign government The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101 (a) (15) (A) of the

(b) Visitors. The classification of visitors in the act has been subdivided for visa, admission, and extension purposes into visitors for business (B-1) and

visitors for pleasure (B-2). (c) Transits—(1) Without visas. Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Peoples Republic of China, Peoples Democratic Republic of Korea (North Korea Regime), German Democratic Republic, and North Vietnam (Viet Minh), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Boston, Mass.; New York, N. Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, T. H.; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; San Juan, P. R.; Charlotte Amalie, V. I.; Christiansted, V. I.; Agana, Guam. The acceptance of the transit privilege constitutes an agreement by the alien and the carrier that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director having administrative jurisdiction over the port of entry and, should he violate any of the terms of such admission, an agreement by the alien immediately to depart voluntarily from the United States without recourse to any type of hearing or proceeding provided for in this chapter.

(2) United Nations Headquarters District. An alien of the class defined in section 101 (a) (15) (C) of the act. whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, shall be admitted, if otherwise admissible, on the additional conditions that he proceeds directly to New York City and remains there continuously, departing therefrom only if required in connection with his departure from the United States, and that he has a document establishing his ability to enter some country other than the United States following his sojourn in the United Nations Headquarters District.

(d) Crewmen. The provisions Parts 252 and 253 of this chapter shall govern the landing of crewmen as nonimmigrants of the class defined in section 101 (a) (15) (D) of the act.

(e) Traders and investors. A trader or dependent admitted to the United States under the Immigration Act of 1924 prior to December 24, 1952, shall annually, on the anniversary date of his original admission, submit Form I-126 to the district director having jurisdiction over his residence.

(f) Students. A student shall not be eligible for admission to the United States or extension of stay unless he presents Form I-20 properly filled out by the school to which he is destined and personally executes the reverse of the form. Form I-20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within six months from date of issuance.

(g) Representatives to international organizations. The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101 (a) (15) (G) of the act.

(h) Temporary employees. of the classes defined in section 101 (a) (15) (H) of the act must be the beneficiary of an approved visa petition filed in his behalf.

(i) Representatives of information media. The admission of an alien of the class defined in section 101 (a) (15) (I) of the act constitutes an agreement by the alien not to change the information medium or his employer until he obtains permission to do so from the district director having jurisdiction over his residence.

(j) Exchange aliens. An exchange alien shall not be eligible for admission to the United States or extension of stay unless he presents Form DSP-66 properly filled out by the sponsor of his program and personally executes the reverse of the form. Form DSP-66 presented by an exchange alien returning from a temporary absence may be retained by him and used for any number of reentries within six months from date of issuance.

(k) Mexican agricultural workers. An alien, native and citizen of Mexico, bona fide resident of that country for the preceding year, shall, upon fingerprinting, be issued a Form I-100C and admitted for agricultural employment at a port of entry (reception center) provided the immigration officer is satisfied that the alien will, and the alien agrees to, abide by the following conditions: that he will engage only in employment specified in Title V of the Agricultural Act of 1949, as amended, the Migrant Labor Agreement of 1951, as amended. and the contract of employment approved by the Secretary of Labor; that he will depart upon the expiration of the period for which he was admitted: and that he will carry with him at all times during his authorized stay in the United States the Form I-100C issued to him at the time of admission or extension and surrender it at the port of entry through which he departs to Mexico, except that such form may be retained by an agricultural worker, still maintaining status, returning temporarily to Mexico, provided a furlough letter is presented, signed by his employer and endorsed by a representative of the United States Employment Service and Mexican consul when the furlough exceeds 15 days or is during the last 15 or 30 days respectively of a contract less than or exceeding six weeks. Pursuant to the authority contained in section 212 (d) (3) of the act, the bar to admissibility contained in paragraph (16) or (17) of section 212 (a) of the act is hereby waived for an alien who establishes that he is otherwise admissible as an agricultural worker except for his previous removal or deportation because of entry without inspection or lack of required documents.

§ 214.3 Petitions for approval of schools. Any institution or place of study seeking approval for the attendance of alien students shall file with the district director having administrative jurisdiction over the place in which it is located a Form I-17. The petitioner shall be notified of the decision, and, if denied, of the reasons therefor and of the right to appeal within 10 days from the receipt of such notification in accordance with the provisions of Part 7 of this chapter. Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that it is no longer entitled to approval, he shall send it a notice containing the reasons why it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted. Within such 30-day period, which may be extended, the institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his

decision and, if said decision is to withdraw the approval previously granted, the reasons therefor, and that it has 10 days from receipt of notification of decision in which to appeal in accordance with Part 7 of this chapter. The report on the initial registration and termination of each nonimmigrant student shall be made on Form I-21.

§ 214.4 Petitions for temporary workers. The petition to import an alien to perform services, labor, or training under section 214 (c) of the Act shall be filed on Form I-129B. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

PART 214a—Admission of Nonimmi-GRANTS: Foreign Government Offi-CIAL

Part 214a is revoked.

PART 214b—Admission of Nonimmi-GRANTS: TEMPORARY VISITOR FOR BUSI-NESS OR PLEASURE

Part. 214b is revoked.

PART 214c—Admission of Nonimmi-GRANTS: TRANSIT ALIENS

Part 214c is revoked.

PART 214d—Admission of Nonimmi-GRANTS: CREWMEN

Part. 214d is revoked.

PART 214e—Admission of Nonimmi-GRANTS: TREATY TRADER

Part 214e is revoked.

PART 214f—Admission of Nonimmigrants: Students

Part 214f is revoked.

PART 214g—Admission of Nonimmi-GRANTS: FOREIGN GOVERNMENT REPRE-SENTATIVES TO INTERNATIONAL ORGAN-IZATIONS

Part 214g is revoked.

PART 214h—Admission of Nonimmi-GRANTS: TEMPORARY SERVICES, LABOR OR TRAINING

Part 214h is revoked.

PART 214i—Admission of Nonimmi-GRANTS: REPRESENTATIVES OF INFORMA-TION MEDIA

Part 214i is revoked.

Part 214j—Admission of Nonimmigrants: Exchange Aliens

Part 214j is revoked.

PART 214k—Admission of Agricultural Workers Under Special Legislation

Part 214k is revoked.

Part 214m—Admission of Nonimmigrants: NATO Aliens

Part 214m is revoked.

PART 237—DEPORTATION OF EXCLUDED
ALIENS

Part 237 is amended to read as follows:

Sec.
237.1 Stay of deportation of excluded alien.
237.2 Cost of maintenance not assessed.

237.3 Imposition of penalty.237.4 Notice to transportation line of alien's

exclusion.

AUTHORITY: §§ 237.1 to 237.4 issued under sec. 103, 66 Stat. 173; 8 U.S. C. 1103. Interpret or apply secs. 233, 237, 243, 280, 66 Stat. 197, 201, 214, 230; 8 U.S. C. 1223, 1227, 1255,

§ 237.1 Stay of deportation of excluded alien. The district director in charge of the port of arrival may stay the immediate deportation of an excluded alien pursuant to sections 237 (a) and (d) of the act under such conditions

as he may prescribe.

§ 237.2 Cost of maintenance not assessed. A claim pursuant to section 237 (a) (2) (B) of the act shall be established to the satisfaction of the district director in charge of the port of arrival, from whose adverse decision no appeal shall lie. The district director shall afford the line a reasonable time within which to submit affidavits and briefs to support its claim.

§ 237.3 Imposition of penalty. Penalties for violation of sections 233 and 237 of the act shall be imposed in accordance with the provisions of Part 280 of this chapter. A bond or undertaking submitted to obtain clearance as provided in section 237 (b) of the act shall be on Form I-310.

§ 237.4 Notice to transportation line of alien's exclusion. An excluded alien shall, immediately or as promptly as the circumstances permit, be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner, or consignee of the vessel or aircraft on which the alien is to be deported, as determined by the district director, with a written notice specifying the cause of exclusion, the class of travel in which such alien arrived and is to be deported, and with the return of any, documentation which will assist in effecting his deportation. If special care and attention is required, the provisions of \$243.11 of this chapter shall apply.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. The second and fourth sentences of paragraph (b) Authorized officer of § 242.2 Apprehension, custody, and detention are amended to read as follows: "The alien may appeal to the Board of Immigration Appeals from any such determination. \* \* \* \* Upon the filing of such a notice of appeal, the district director shall immediately transmit to the Board of Immigration Appeals all records and information pertaining to his action and shall notify the regional commissioner."

2. Paragraph (c) of § 242.2 Apprehension, custody, and detention is amended to read as follows:

(c) Revocation. When an alien who having been arrested and taken into cus-

tody has been released, such release may be revoked at any time in the discretion of the district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occured, any outstanding bond shall be revoked and cancelled.

### PART 299-IMMIGRATION FORMS

Section 299.1 Prescribed forms is amended in the following respects:

1. The following forms and reference thereto is added to the list of forms and is inserted between forms "Customs 7507 and FS-256a":

Form No., Title and Description

DSP-66 Certificate of Eligibility for Exchange Visitor Status.

2. The following form and reference thereto is deleted:

Form No., Title and Description

I-24 Application by Alien Student for Permission to Accept Employment.

Part 310—Requisition of Forms by Clerks of Court

Part 310 is revoked.

Part 312—Educational Requirements for Naturalization

Part 312 is revoked.

Part 316—Good Moral Character Part 316 is revoked.

Part 317—Temporary Absence of Persons Performing Religious Duties Part 317 is revoked.

PART 322—SPECIAL CLASSES OF PERSONS
WHO MAY BE NATURALIZED: CHILDREN
OF CITIZEN PARENT

Part 322 is amended to read as follows:

§ 322.1 Petition. An application to file a petition for naturalization under section 322 or 323 of the act in behalf of a child shall be submitted on Form N-402. The petition for naturalization shall be filed on Form N-407, in duplicate. A child under this part is not required to establish any particular period of residence in a State.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 322, 323, 332, 66 Stat. 246, 252; 8 U. S. C. 1433, 1434, 1443)

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZEN-SHIP BY MARRIAGE

Sections 324.11 Former citizen at birth or by naturalization; procedural requirements and 324.12 A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements are amended to-read as follows:

§ 324.11 Former citizen at birth or by naturalization. A former citizen of the United States of the class described in section 324 (a) of the act shall submit an application to file a petition for naturalization on Form N-400 and sup-

plemental Form N-400A. The petition for naturalization of such person shall be filed on Form N-405, in duplicate. There shall be inserted after averment 10 of Form N-405 at the time of the filing an averment of the petitioner's loss of citizenship, as follows:

I was formerly a citizen of the United States by

(Indicate whether by birth or naturalization)

(Month, day, year) citizenship by marriage on

(Month, day, year) \_\_\_\_a citizen

(Name of husband)

or subject of \_\_\_.

(Name of foreign country) I have not acquired any other nationality by an affirmative act other than by marriage.

§ 324.12 A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated. A woman, formerly a citizen of the United States at birth, who applies in the United States to regain her citizenship under section 324 (c) of the act, shall submit a preliminary application to take the oath of allegiance on Form N-401. The eligibility of the applicant to take the oath shall be investigated by a member of the Service who shall make an appropriate recommendation to the naturalization court. The application to the court shall be made on Form N-408, in triplicate. The original shall be retained as a part of the court record and numbered consecutively in a separate series, and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers. After the applicant has taken the oath of allegiance, the clerk of court shall furnish the applicant, upon demand, the triplicate copy of Form N-408, properly certified, for which a fee not exceeding \$5.00 may be charged. No charge shall be made by the clerk of court for the filing of Form N-408. If the applicant does not demand the triplicate Form N-408, it shall be transmitted to the appropriate district director with the duplicate thereof. The oath of allegiance may be taken before any diplomatic or consular officer of the United States, abroad. in accordance with such regulations as may be prescribed by the Secretary of State.

PART 325-SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Part 325 is revoked.

PART 327-SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR

Part 327 is amended to read as follows:

§ 327.1 Petition. A former citizen of the United States of the class described in section 327 of the act shall submit an application to file a petition for naturalization on Form N-400 and supplemental Form N-400A. The petition for naturalization of such person shall be filed on Form N-405, in duplicate, with supplemental Form N-405A in triplicate, in any naturalization court. The original of Form N-405A shall be retained as part of the court record. After the oath of allegiance has been taken by the petitioner, the duplicate and triplicate copies of Form N-405A, bearing a copy of the oath duly attested and certified by the clerk, shall be forwarded by the clerk to the appropriate district director. The district director shall file the duplicate copy with the Service record and transmit the triplicate copy to the Department of State. The petitioner shall pay to the clerk of the court of the naturalization court at the time of filing the petition a fee of \$10, unless exempted therefrom under section 344 (h) of the act.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sees. 327, 332, 344, 66 Stat. 248, 252, 264; 8 U. S. C. 1438, 1443, 1455)

PART 328-Special Classes of Persons WHO MAY BE NATURALIZED: PERSONS WITH THREE YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

Part 328 is amended to read as follows:

Sec.

328.1 Continuous service.

328.2 Service not continuous.

328.3 Petition.

AUTHORITY: §§ 328.1 to 328.3 issued under sec. 103, 66 Stat. 173; 8 U.S. C. 1103. Interpret or apply secs. 328, 332, 66 Stat. 249, 252; 8 U. S. C. 1439, 1443.

§ 328.1 Continuous service. A'person of the class described in section 328 (a) of the act, whose service in the armed forces of the United States aggregating three years has been continuous, shall establish that he is in the United States pursuant to a lawful admission for permanent residence, whether or not such admission occurred before or after service in the armed forces, if the petition is filed within six months after termination of such service. Such person shall establish his residence in the United States, good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States, from the date of termination to the date of the filing of his petition, and from the latter date to the date of his admission to citizenship, by affidavits and testimony of at least two United States citizen verifying witnesses.

§ 328.2 Service not continuous. person of the class described in section 328 (c) of the act whose service aggregating three years was not continuous shall establish the qualifications prescribed in that section during the periods when not serving in the armed forces by the affidavits and testimony of at least two United States citizen verifying witnesses.

§ 328.3 Petition. A person of the class described in section 328 of the act shall submit an application to file a petition for naturalization on Form N-400. The duly authenticated copies of the records and the certified statements of the executive departments described in section 328 of the act shall be requested by the applicant on Form N-426, in triplicate, and submitted to the Service with Form N-400. A person of the class described in § 328.1 or § 328.2 may file his petition for naturalization in any naturalization court, regardless of his place of residence. The petition for naturalization shall be filed on Form N-405, in duplicate. There shall be inserted after averment 10 of Form N-405, at the time of the filing thereof, a description of the petitioner's service, as follows:

I entered the \_\_\_ (Branch of Service)

(Month, day, year)

and am now serving honorably (was honorably discharged on \_\_\_\_\_\_).
(Month, day, year)

The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 329-SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II OR ENLISTED UNDER ACT OF JUNE 30, 1950, AS AMENDED

- The headnote to Part 329 is amend. ed to read as set forth above.
- 2. Part 329 is amended to read as follows:

329.1 World War I. 329.2 Petition.

AUTHORITY: §§ 329.1 and 329.2 issued under sec. 103, 66 Stat. 173; 8 U.S. C. 1103. Interpret or apply secs. 329, 332, 402 (e), 66 Stat. 250, 252, 276; 8 U. S. C. 1440 and note,

§ 329.1 World War I. For the purpose of section 329 of the act, World War I commenced on April 6, 1917, and ended on November 11, 1918.

§ 329.2 Petition. A person of the class described in section 329 or 402 (e) of the act shall submit an application to file a petition for naturalization on Form N-400. The certification required by section 329 (b) (4) of the act to prove service shall be requested by the applicant on Form N-426, in triplicate, and submitted to the Service with Form N-400. The petition for naturalization shall be filed on Form N-405, in duplicate, in any naturalization court, regardless of the residence of the petitioner. There shall be inserted after averment 10 of Form N-405, at the time of filing thereof, an averment as follows:

I served honorably in an active duty status in \_\_\_\_\_, under (Branch of Service)

Service No. \_\_\_\_\_ from \_\_\_\_\_, 19\_\_, to \_\_\_\_\_, 19\_\_, and was separated under honorable conditions on \_\_\_\_\_, 19\_\_. I entered such service at \_\_\_\_\_ (City)

(State)

PART 330-SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Part 330 is amended to read as follows:

§ 330.1 Petition. A person of the class described in section 330 (a) (1) of the act shall submit an application to file a petition for naturalization on Form N-400 and supplemental Form N-400B. The petition for naturalization shall be filed on Form N-405, in duplicate, in a naturalization court having jurisdiction over the petitioner's place of residence. There shall be attached to and made a part of the original and duplicate petition for naturalization at the time of filing an affidavit of the petitioner on Form N-421, in duplicate, sworn to be-fore the clerk of court or an officer of the Service fully describing the vessel or vessels on which the petitioner has served and the periods of service. The duly authenticated copies of the records or certificates described in section 330 (a) (1) of the act shall be accepted as proof of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for that portion of the service performed within the period of five years immediately preceding the date of the petition. (Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 330, 332, 66 Stat. 251, 252; 8 U. S. C. 1441, 1443)

PART 334—PETITION FOR NATURALIZATION

- 1. Section 334.11 is amended to read as follows:
- § 334.11 Petition for naturalization and preliminary application. A person who desires to apply for naturalization shall, before filing his petition for naturalization, execute and submit preliminary application Form N-400. The Service shall notify the applicant when and where to appear with his witnesses for preliminary investigation and filing his petition for naturalization.
- 2. Section 334.12 Notification to appear for preliminary investigation and to file petition for naturalization is revoked.
- 3. Paragraph (a) of § 334.17 Transfer 'of petition for naturalization is amended to read as follows:
- (a) Application for transfer. An application to transfer a petition for naturalization shall be made on Form N-455, in quadruplicate, to the district director exercising administrative jurisdiction over the place where the court in which the petition is filed is located.

PART 334a-Declaration of Intention

Part 334a is amended to read as follows:

§ 334a.1 Filing and disposition. Each prospective declarant shall, before making and filing his declaration of intention, submit an application on Form N-300. A clerk of court or his authorized deputy shall not accept a declaration of intention for filing until he has received from the Service the applicant's approved Form N-300 authorizing the issuance of the declaration and showing that the applicant is residing in the United States pursuant to a lawful admission for permanent residence. The declaration of intention shall be executed under oath on Form N-315, in triplicate, before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and

only in the office of said clerk. The applicant may sign the declaration and the photographs affixed thereto in any language or by mark if unable to write and shall pay the clerk of court the statutory fee of \$5.00 at the time the declaration of intention is filed. The original declaration of intention shall be retained and filed of record by the clerk of court and the triplicate delivered to the applicant. Declarations of intention shall be numbered consecutively in the order in which they are filed in a series separate from petitions and filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 334, 66 Stat. 252, 254, 344; 8 U. S. C. 1443, 1445, 1455)

PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WITNESSES; DEPOSI-TIONS

Part 335b is amended to read as follows:

Sec. 335b.1 Proof of residence and other qualifications.

335b.2 Substitution of witnesses. 335b.3 Depositions.

AUTHORITY: §§ 335b.1 to 335b.3 issued under sec. 103, 66 Stat. 173; 8 U.S. C. 1103. Interpret or apply secs. 332, 335, 66 Stat. 252, 255; 8 U. S. C. 1443, 1446.

§ 335b.1 Proof of residence and other qualifications. If oral testimony is taken at the preliminary examination or at the final hearing from witnesses other than the verifying witnesses to cover the petitioner's qualifications during the statutory period, affidavits on Form N-451 shall be executed by them, in duplicate, before the designated examiner or the clerk of the court, one copy of which shall be attached to the original petition and the other to the duplicate petition.

§ 335b.2 Substitution of witnesses. When the witnesses who verified the petition have not been excused from appearance at the final hearing and the petitioner is unable to produce them, other witnesses may be presented upon notice given by the petitioner to the district director within a reasonable time in advance of the date set for final hearing. If any of the verifying witnesses appear to be incompetent and the petitioner has acted in good faith in producing them, other witnesses may be substituted upon similar notice. A final hearing shall not be held until after examination of the substitute witnesses by a Service representative and an affidavit on Form N-451 has been executed, in duplicate, by the witnesses before such representative or the clerk of the court in the manner described in § 335b.1.

§ 335b.3 Depositions—(a) In the United States. Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. Such depositions shall be taken only upon written interrogatories on Form N-462A. Except as otherwise provided in this section, they shall be made in the United States before an

employee of the Service authorized to administer oaths and take depositions under Part 332d of this chapter, unless there is a likelihood of unusual delay or hardship, in which case the district director may authorize such depositions to be taken before a postmaster, without charge, or before a notary public or other person authorized to administer oaths for general purposes. In cases in which the depositions are taken other than before an employee of the Service or a postmaster, the petitioner, independently of the Service, shall arrange with the officer who will take the depositions to defray all costs and expenses incident thereto. The petitioner or his attorney or representative may be present when the depositions are taken. Depositions taken under this section shall be sent to the district director having administrative/supervision over the territory in which the petition is pending and by him forwarded to the clerk of the naturalization court prior to the final hearing for filing with the petition.

(b) Outside the United States. Petitioners for naturalization who are exempt from the usual requirement of residence and physical presence in the United States, but who are required to establish good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for the period applicable to their cases, and who were absent from or were not residents of the United States during such period, may establish their qualifications during the periods of absence by depositions taken outside the United States in the manner described in paragraph (a) of this section. Such depositions shall be taken before any employee of the United States designated for that purpose by the Commissioner. The petitioner shall be informed that he will be required to defray all costs and expenses of the person taking the depositions, as may be authorized by law, and that the petitioner shall arrange with the deponents for the payment of such costs and expenses independently of the Service.

### PART 336 PROCEEDINGS BEFORE NATURALIZATION COURT

Sections 336.11, 336.12 and 336.17 are amended to read as follows:

§ 336.11 Notice to Service: personal representation of Government at naturalization proceedings. At least 30 days prior to the holding of any naturalization proceedings referred to in section 336 (d) of the act, the clerk of the naturalization court shall give written notice to the appropriate district director of the time, date, and place of such proceedings. Such notice may be waived by the district director. Final naturalization hearings or other naturalization proceedings shall, whenever practicable, be attended personally by naturalization examiners or other members of the Service, who shall present to the court the views and recommendations of the designated examiner and the regional commissioner as appropriate. A Service officer shall personally attend every final hearing at which a petition or formal application for naturalization is to be recommended for denial. If the recommendation of the regional commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, wherever practicable, represent the Service before the court. Such representative may cross-examine the petitioner and his witnesses and may call other witnesses and produce evidence concerning any matter affecting the petitioner's eligibility for naturalization. When necessary, the representative in attendance shall have a stenographic report made of the testimony.

§ 336.12 Written report in lieu of personal representation. If a preliminary investigation or preliminary examination has been conducted pursuant to Part 332 or Part 335 of this chapter, and it is impracticable thereafter for a Service representative to be present at the final naturalization hearing, written notice of that fact shall be given by the Service to the court. The petitions set down for hearing shall be listed on the appropriate forms prescribed by § 336.13. If continuance of the petition is desired, the basis therefor shall be set forth. The forms and memoranda shall be transmitted to the clerk of court, who shall submit the appropriate lists and orders to the court in accordance with the procedure described in § 336.13.

§ 336.17 Substitution of witnesses. See § 335b.2 of this chapter.

PART 402a—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIENS ENLISTED IN THE UNITED STATES ARMED FORCES UNDER ACT OF JUNE 30, 1950, AS AMENDED BY SECTION 402 (e) OF THE IMMIGRATION AND NATIONALITY ACT

Part 402a is revoked.

(Sec. 103, 66 Stat. 173; 8 U.S. C. 1103)

This order shall become effective on the date of its publication in the Federal Register. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order are editorial in nature.

Dated: July 25, 1958.

J. M. SWING, Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-5906; Filed, July 31, 1958; 8:50 a.m.]

# TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules
[File No. 21–327]

PART 132—MACARONI AND NOODLE PRODUCTS INDUSTRY

Due proceedings having been held under the trade practice conference pro-

cedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of August 1, 1958.

Statement by the Commission. Trade practice rules for the macaroni and noodle products industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision of, and supersede, the trade practice rules for the macaroni, noodles, and related products industry as promulgated by the Commission July 7, 1938.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of macaroni, spaghetti, vermicelli or noodles. So-called Chinese noodles are not included.

Proceedings for the establishment of these rules were instituted pursuant to an industry application. Proposed revised rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington. D. C., on June 18, 1958, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec. 132.0 Definitions.

132.1 Concurrent jurisdiction of Food and Drug Administration over labeling.
 132.2 Deception (General).

132.3 Misrepresentation of protein, caloric and starch content of products.

132.4 Misuse of words "macaroni," "spaghetti," "vermicelli," "egg-macaroni" and "noodles," or "egg noodles," etc.

132.5 Misrepresentation of semolina, durum or farina products.

132.6 Misrepresentation as to the egg content of product.

Sec. 132.7 Deception as to ingredients of prod-

Defamation of competitors or false disparagment of their products.
 Prohibited sales below cost.

132.9 Prohibited sales below cost.
 132.10 Imitation of trade-marks, tradenames, etc.

132.11 Fictitious prices, etc. 132.12 Deceptive invoicing, etc.

132.13 Prohibited discrimination.
132.14 Commercial bribery.

132.15 Exclusive deals. 132.201 Industry committee.

AUTHORITY: \$\$ 132.0 to 132.201 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 132.0 Definitions. As used in this part the terms "industry member" and "industry products" shall have the following meanings, respectively:

(a) Industry member. Any person, firm, corporation or organization engaged in the manufacture, sale or distribution of industry products as defined in paragraph (b) of this section.

(b) Industry products. All kinds and types of macaroni, spaghetti, vermicelli and noodle products. So-called Chinese noodles are not included.

§ 132.1 Concurrent jurisdiction of Food and Drug Administration over labeling. (a) Definitions and standards for macaroni and noodles products promulgated under the Federal Food, Drug and Cosmetic Act by the Food and Drug Administration will, when revelant, be taken into consideration in the administration of trade practice rules for the industry.

(b) The Commission has jurisdiction over the advertising of industry products, and both it and the Food and Drug Administration have jurisdiction over the labeling of such products. In order to avoid unnecessary overlapping and possible conflict of effort, the two agencies have adopted a working arrangement under which the Commission regulates the advertising of such products and the Food and Drug Administration regulates the labeling thereof, with recognition that there may be unusual situations in which the Commission will exercise its concurrent jurisdiction over the labeling of such products.

(c) Nothing in this part is to be construed as relieving anyone of the necessity of complying with the provisions of the Federal Food, Drug and Cosmetic Act with respect to the labeling of industry products, and with the definitions and standards for such products as established by the Food and Drug Administration

§ 132.2 Deception (general). It is an unfair trade practice for any industry member to use or cause to be used any advertisement of industry products

<sup>&</sup>lt;sup>1</sup>The word "advertisement" as here used includes any written or verbal statement, notice, presentation, illusfration, or depiction, other than labeling, which is directly or indirectly designed to effect the sale of any industry product, or to create an interest in the purchase of any such product, whether same appears in a newspaper, magazine, or other periodical, in a catalog, letter, or sales promotional literature, in a radio or television broadcast, or in any other media.

which contains any statement, representation, illustration, or depiction which directly, or by implication or through failure to disclose material information, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the grade, quality, quantity, substance, character, nature, origin, size, material, content, coloring, digestibility, nutritional properties, therapeutic value, effect on body weight, preparation, or manufacture of any industry products, or which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 1]

§ 132.3 Misrepresentation of protein, caloric and starch content of products. It is an unfair trade practice for a member of the industry to make any representation in any advertisement which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to:

(a) The protein, caloric or starch content of any industry product, or

(b) The protein, caloric or starch content of any industry product, or portion thereof when prepared for consumption in accordance with the member's directions or recommendations, or

(c) The protein, caloric or starch content of any industry product compared to other industry products or to specific foods or to food generally.

Note: Among practices to be considered as subject to the inhibitions of this section, are representations in any advertisement 1 that an industry product is a high protein food, or is a food of low starch or caloric content.

### [Rule 2]

§ 132.4 Misuse of words "macaroni," "spaghetti," "vermicelli," "egg-macaroni" and "noodles," or "egg noodles," etc. It is an unfair trade practice for an industry member to represent in an advertisement any product as being macaroni, spaghetti, vermicelli, egg-macaroni, noodles or egg noodles when such is not the fact, or to misrepresent the identity of any industry product. [Rule 3]

§ 132.5 Misrepresentation of semolina, durum, or farina products. It is an unfair trade practice for an industry member to represent in any advertisement an industry product as being a semolina, durum or farina product when such is not true in fact.

Note: Nothing in this section is to be construed as inhibiting a representation that an industry product is:

(a) A semolina product when the wheat content thereof is solely of semolina, or

(b) A durum product or a durum wheat product when the wheat content thereof is solely of durum wheat, or

(c) A farina product when the wheat content thereof is solely of farina.

### [Rule 4]

§ 132.6 Misrepresentation as to the egg content of product. It is an unfair trade practice for an industry member to misrepresent in any advertisement <sup>1</sup> the egg content of any industry product.

Note: It is the consensus of the industry that any representation as to the egg content of an industry product should be on a moisture free basis.

#### [Rule 5]

§ 132.7 -Deception as to ingredients of products. It is an unfair trade practice for an industry member to misrepresent in any advertisement the presence, absence, amount or proportion of any ingredient in any industry product. [Rule 6]

§ 132.8 Defamation of competitors or false disparagement of their products. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 7]

§ 132.9 Prohibited sales below cost.
(a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were (1) of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating

income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 8]

§ 132.10 Imitation of trade-marks, trade names, etc. The imitation or simulation in advertising of the trade-marks, trade names, containers, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers,' is an unfair trade practice. [Rule 9]

§ 132.11 Fictitious prices, etc. The publishing or circulating by any member of the industry of false or misleading price quotations, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, or the advertising, sale or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 10]

§ 132.12 Deceptive invoicing, etc. It is an unfair trade practice for any member of the industry to issue invoices, billings or sales slips, which, by reason of misstatements therein or omissions therefrom, have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 11]

§ 132.13 Prohibited discrimination 2-(a) Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such

<sup>&</sup>lt;sup>1</sup> See footnote on p. 5821.

<sup>&</sup>lt;sup>2</sup> As-used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States,"

discrimination, or with customers of either of them: Provided, however:

- (1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use.
- (2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

Note: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of this subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

- (3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.
- (4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.
- (5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

Note: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

- (b) Prohibited brokerage and commissions. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive, or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares or merchandise, either to the other party to such transaction or to an agent, representative, or other in-termediary therein where such intermediary is acting in fact for or in behalf. or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.
- (c) Prohibited advertising or promotional allowances, etc. It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a

customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(d) Prohibited discriminatory services or facilities. It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

Note: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

(e) Clarification of requirements for supplying of marketing services, facilities or allowances. The following is presented for the purpose of clarifying the requirements of paragraphs (c) and (d) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used:

An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: Provided, however, That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the

customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member: And provided further, That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(f) Inducing or receiving an illegal discrimination in price. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

Note: This paragraph is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing fates from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraph (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways,

- including:

  (1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or
- (2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.
- (g) Purchases by U. S. Government—applicability of Robinson-Patman Anti-discrimination Act to same. (1) In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimina-

tion Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539)

Note: This section is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

(2) Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (d) of this section.

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justif ation shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: Provided, however, That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

#### [Rule 12]

§ 132.14 Commercial bribery. It is an unfair trade practice for any industry member, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors, or to effect any other advantage in favor of the industry member making such gift or offer with respect to the sale of industry products to such employers or principals. [Rule 13]

§ 132.15 Exclusive deals. It is an unfair trade practice for any member of the industry engaged in commerce,2 in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption. or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 14]

§ 132,201 Industry committee. The provisions of § 16.1 of this subchapter

shall be applicable to an industry committee established under this part.

Issued: July 29, 1958.

Promulgated by the Federal Trade Commission August 1, 1958.

[SEAL] ROBERT M. PARRISH, Secretary.

[F. R. Doc. 58-5890; Filed, July 31, 1958; 8:47 a. m.]

### TITLE 39—POSTAL SERVICE

### Chapter I-Post Office Department

PART 16—BULK MAILINGS

PART 22-SECOND CLASS

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

### MISCELLANEOUS AMENDMENTS

The proposed amendments to Parts 16, 22, and 23, published in the Federal Register of June 13, 1958, at page 4316 (23 F. R. 4316) are hereby amended and adopted as regulations of the Post Office Department, as set forth below.

1. In § 16.1 Second-class publications, amend subdivision (vi) of paragraph (c) (4) to read as follows:

(vi) Maximum weight in a sack. The total weight of publications placed in one sack must not exceed 80 pounds.

Note: The corresponding Postal Manual section is 126.134f.

(R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 283)

2. a. In § 22.2 Qualifications for second-class privileges, make the following changes:

In paragraph (d), amend subparagraphs (7) and (8) to read as follows:

(7) Second-class imprint, reading: Second-class postage paid at \_\_\_\_\_. When a publication is mailed at two or more offices the imprint must read Second-class postage paid at \_\_\_\_\_ and at additional mailing offices.

(8) Notice of pending application, when copies are mailed while an application is pending, reading: Application to mail at second-class postage rates is pending at

Note: The corresponding Postal Manual section is 132.25g and h.

b. In § 22.3 Applications for secondclass privileges, amend paragraph (b) to read as follows:

(b) Acceptance after application is filed. Publishers or news agents may not mail at the second-class rates until the application for second-class privileges is approved by the Postal Services Division, Bureau of Operations. Postmasters may not accept mailings at the second-class rates until they receive a written authorization from the Postal Services Division. Postage at the applicable third- or fourth-class rates may be paid in money on mailings made while an application is pending. The postmaster will keep a record of such mailings on Form 3503, and if second-class privileges are authorized by the Postal

Services Division, he will be instructed to return to the publishers or news agents the difference between the third-or fourth-class rates and the second-class rates. Form 3503 will not be kept and the difference will not be returned when postage is paid by stamps affixed.

Note: The corresponding Postal Manual is 132.32

- c. In § 22.5 Second-class mailing privileges for news agents, amend paragraph (b) to read as follows:
- (b) Information required from news agents. News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A second-class imprint in the copies in sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

Note: The corresponding Postal Manual section is 132.52.

- d. Section 22.8 is amended to read as follows:
- § 22.8 Cancellation of second-class privileges. (a) When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested.
- (b) A copy of the procedures governing administrative hearings relative to the denial, suspension or annulment of second-class mail privileges may be obtained from the Bureau of Operations, Postal Services Division.
- Note: The corresponding Postal Manual section is 132.8.
- (R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended, sec. 1, 31 Stat. 1107, sec. 2, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 232, 283, 289a)
- 3. In § 23.3 Identification statements, amend paragraph (f) to read as follows:
- (f) Controlled circulation imprint, reading Accepted as controlled circulation publication at

Note: The corresponding Postal Manual section is 133.3f.

(R. S. 161, 396, as amended; sec. 203, 62 Stat. 1262; 5 U.S. C. 22, 369, 39 U.S. C. 291b)

[SEAL] HERBERT B. WARBURTON, General Counsel.

[F. R. Doc. 58-5898; Filed, July 31, 1958; 8:49 a.m.]

### PART 21—FIRST CLASS BUSINESS REPLY MAIL

In § 21.2 Classification, amend paragraph (c) to read as follows:

(c) Business reply mail—(1) Purpose. Specially printed business reply cards, envelopes, cartons, and labels may be distributed for use by mailers in sending mail to the distributor without prepayment of postage.

<sup>&</sup>lt;sup>2</sup> See footnote on p. 5822.

(2) Permit. (i) A permit to distribute business reply cards, envelopes, cartons and labels is required. An application on Form 3614, Application to Distribute Business Reply Cards, Envelopes, and Labels, must be submitted at the post office where the mail will be returned. There is no charge for the permit. If matter bearing the business reply imprint is distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail.

(ii) Upon receipt of the application, the postmaster will complete the permit portion of the form and deliver it to the applicant. The application portion of the form will be filed in the post office by the permit number. Permits issued at each post office will be numbered consecutively starting with No. 1 for the first permit. Each post office will keep an alphabetical card record of each permit.

(3) Postage. (i) Postage is collected on each piece of business reply mail at the time it is delivered. Postage due stamps for the amount due will be affixed to the mail or to Form 3582-A, Postage Due Bill. The stamps will be canceled and delivered to the addressee with the mail when he pays the amount due. Business reply mail will not be mixed with other mail in direct packages or sacks for individuals or concerns.

(ii) The amount to be collected is computed as follows:

(a) Post cards: The rate for post cards or air post cards, whichever is applicable, plus 2 cents each (see §§ 21.1 and 26.6). Cards which do not conform to the specifications for post cards (see par. (a) (7) of this section) are subject to the postage chargeable under (b) below.

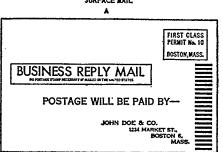
(b) Envelopes and packages:

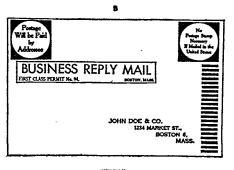
(1) Weight of piece not over two ounces: First-class or air mail rate of postage, whichever is applicable, plus 2 cents each (see §§ 21.1 and 26.1).

(2) Weight of piece over two ounces: First-class or air mail rate, whichever is applicable, plus 5 cents each (see §§ 21.1 and 26.1).

(4) Form of imprint and address. The card, envelope, carton or label must be printed on the address side in one of the forms illustrated. The addition of extraneous matter is not permitted.

SURFACE MAIL







Use alternating red and blue parallelograms for the border.

(5) Distribution. Bûsiness reply cards, envelopes, cartons, and labels may be distributed:

(i) In any quantity for return by surface or airmail.

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They shall not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons

for receipt of mail.

(6) Responsibility of distributor. The distributor guarantees payment on delivery of postage on returned business reply mail. Any concern distributing business reply cards, envelopes, cartons or labels under one permit for return to its branches or dealers, guarantees to pay postage on any returns refused by any authorized addressee.

Note: The corresponding Postal Manual Section is 131.23.

(R. S. 161, 396, as amended; Sec. 2, 45 Stat. 940, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 303)

[SEAL] HERBERT B. WARBURTON, General Counsel.

[F. R. Doc. 58-5904; Filed, July 31, 1958; 8:45 a. m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments are made to this chapter:

PART 111—POSTAL UNION MAIL

a. In § 111.1 All categories, make the following changes:

1. In paragraph (c) insert the following as the second sentence of subpara-

graph (2): "Precanceled stamps may be used under the same conditions as in the domestic mails. Airmail stamps may be used on airmail articles only."

2. Amend paragraph (c) (4) to read as follows:

(4) Mailings without postage. The following types of mail are accepted for other countries without postage affixed:

(i) Diplomatic and consular mail addressed to countries of the Postal Union of the Americas and Spain (see § 101.2 of this chapter), subject to the following conditions:

(a) Diplomatic. Free postage and free registration are granted to all surface correspondence (official and personal) of members of the diplomatic corps of PUAS countries when addressed to the PUAS countries. The weight and size limits specified in § 111.2 apply.

(b) Consular. Free postage and free registration are granted to the official surface correspondence of consuls or vice consuls of PUAS countries when—

(1) Addressed for delivery in the country represented by the mailing official;

(2) Addressed to the Embassy or Legation of the official's country located in any of those countries; or

(3) Addressed to such an official of any of those countries located in those countries.

(c) Marking. Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner of the address side the name of the Ambassador or Minister or names of the Embassy or Legation, with post office address. In the upper right corner should be the words "Diplomatic Mail" over the word "Free". In the case of consulates, the name and address of the consul or consulate as well as the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

(d) Special services. Diplomatic and consular mail entitled to free postage is also entitled to free registration but without the right to indemnity. If air or special delivery service is desired both the postage and any special fees must be prepaid.

(ii) Federal Government official mail, under the following conditions:

(a) Penalty and franked mail. Ordinary (unregistered) surface mail prepared in accordance with the provisions of §§ 27.1 and 27.2 of this chapter when addressed to PUAS countries, except Argentina, Brazil, Spain, and Spanish Possessions. This mail must not exceed the domestic weight limit of 4 pounds, except when it is exempt from that limit by regulation (see § 27.2 (e) (1) of this chapter), in which case the weight limits prescribed in § 111.2 apply. The maximum dimensions prescribed in § 111.2 apply in all cases. If registration, air or special delivery service is desired, both the postage and fee must be prepaid.

(b) Postage and fees paid mail. All official mail of authorized departments and agencies prepared in accordance with the provisions of § 27.2 (c) (2) of this chapter will be given the postal service indicated on its cover. There is no limitation as to the countries to which this mail may be addressed, provided the service desired is available. The weight and size limits prescribed in §§ 111.2 and 112.1 apply.

(iii) Pan American Union ordinary (unregistered) surface mail bearing the return card of the Union, weighing not more than 4 pounds, and with the indicia Free Under Postal Convention in the upper right corner, when addressed to PUAS countries except Canada. If registration, air or special delivery service is desired, both the postage and fee

must be prepaid.

(iv) Pan American Sanitary Bureau ordinary (unregistered) surface mail bearing the return card of the Bureau, weighing not more than 4 pounds, and with the indicia Free Under Postal Convention in the upper right corner, when addressed to PUAS countries except Canada. If registration, air or special delivery service is desired, both the postage and fee must be prepaid

age and fee must be prepaid.

- (v) Postal service official mail (including registered and airmail). Use penalty envelopes or labels for mail addressed to (a) postal administrations or post offices in any country, (b) the International Bureau of the Universal Postal Union at Berne, Switzerland, and (c) to any addressee in the PUAS countries except Argentina, Brazil, Spain, and Spanish Possessions. In all other cases use penalty envelopes or labels with the addition of the endorsement Postage and Fees Paid. Larger post offices having sufficient need may requisition a rubber stamp from the Department on Form 1567.
- 3. In paragraph (c), redesignate subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively, and insert new subparagraph (6) to read as follows:
- (6) Foreign reply-paid cards. Reply-paid post cards bearing foreign stamps or imprinted postage and the heading Carte postale réponse (reply post card) are accepted as fully prepaid for surface transmission to the country represented by the foreign postage. The initial half of the card may be left attached to the reply half if the sender so desires. See § 121.3 (c) of this chapter regarding additional United States postage required to transmit such cards by airmail. If these conditions are not met the cards are treated as unprepaid.
- 4. In paragraph (d) make the following changes in subparagraph (1):
- 1. Amend subdivision (v) to read as follows:
- (v) Live or dead animals and insects, except: (a) Live bees, leeches, and silk worms; (b) dead insects or reptiles when thoroughly dried; and (c) parasites and predators of injurious insects intended for the control of such insects and ex-

(b) Postage and fees paid mail. All changed between officially recognized ficial mail of authorized departments agencies.

- 2. Redesignate subdivision (viii) as subdivision (x), and insert new subdivision (viii) to read as follows:
- (viii) Communications having the character of actual and personal correspondence, except in the form of letters or post cards.
- 5. In paragraph (e) (1) amend subdivision (ii) to read as follows:
- (ii) The form is not, under any circumstances, to be employed on parcel post packages, nor are parcel post forms to be used on postal union mail.
- 6. In paragraph (e) (1) amend the first sentence of subdivision (iv) to read as follows: "When the revised form is used in its entirety, there is no need to enclose the paper form of customs declaration (see subparagraph (2) of this paragraph) in the package, except in the case of Argentina."
- · 7. In paragraph (e) (2) amend subdivision (iii) to read as follows:
- (ii) Form 2976-A is not to be used on parcel post packages, nor are parcel post forms described in § 112.4 to be used on postal union articles.
- b. In § 111.2 specific categories, amend (o) of paragraph (d) (4) (ii) to read as follows:
- (o) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process are acceptable as printed matter provided a minimum of 20 identical copies are mailed at one time.

Note: The corresponding Postal Manual section is 221.244 (b) (15).

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

### PART 112-PARCEL POST

In § 112.3 Prohibitions and restrictions, amend paragraph (a) (8) to read as follows:

(8) Articles which may in any way damage or destroy the mail or injure the persons handling them. This includes liquids which may cause injury by contact with the skin or give off irritating vapors; also explosives and inflammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower, and inflammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

Note: The corresponding Postal Manual section is 222.31 h.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

## PART 113—MAIL SENT VIA DEPARTMENT OF STATE

- a. Section 113.1 is amended to read as follows:
- § 113.1 Who may use. The facilities of the Department of the State are avail-

able for sending personal mail to authorized United States Government personnel stationed in other countries.

Nore: The corresponding Postal Manual section is 223.1.

- b. In § 113.2 Mailing conditions, make the following changes:
- 1. Amend the first sentence of paragraph (d) (2) to read as follows: "Prints and parcel post are acceptable for surface transmission only, except as provided in subparagraph (3) of this paragraph."
- 2. In paragraph (d), redesignate subparagraphs (3), (4), and (5) as (4), (5), and (6), respectively, and insert new subparagraph (3), to read as follows:
- (3) Airmail packages containing only an emergency supply of prescription medicine or other urgently needed health items, such as prescription eyeglasses, hearing aids, orthopedic shoes, or dentures, may exceptionally be transmitted through Department of State facilities. Senders must mark the wrapper to indicate the nature of the contents. For rapid transmission of other personal packages, senders must use the regular international air service, affixing customs declarations and addressing directly to the recipient in the foreign country.
- 3. Rescind subparagraph (6) of paragraph (d).

Note: The corresponding Postal Manual section is 223.24.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

### PART 121-AIR SERVICE

- a. In § 121.3 Prepayment, redesignate paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and insert new paragraph (a) to read as follows:
- (a) How paid. Prepay airmail postage by means of airmail stamps, ordinary postage stamps, or meter stamps.

Note: The corresponding Postal Manual section is 231.3.

- b. In § 121.5 Air letter sheets, make the following changes:
- 1. Amend the section caption to read as follows: § 121.5 Air letters (aerogrammes):
- 2. Amend paragraph (b) to read as follows:
- (b) Private manufacture. Air letters without imprinted postage may be manufactured, subject to prior approval by the Department, by private individuals or firms, for their own use or for sale to the public. These sheets must average not less than 150 to the pound (approximately 9 per ounce) and be similar in size, color, and border markings to the regular form issued by the Post Office Department. They must bear the same printed endorsements on the address and reverse sides as the regular form. In addition, the words "Authorized for mailing as air letter—P. O. Permit No. issued) must appear in smaller type on the outside of the flap or near one of the edges on the reverse side, so that they

will be visible when the sheet is folded for mailing. The quality and strength of the paper must be sufficient to guard against the likelihood of damage in the course of postmarking and handling, and to assure that the writing on the inner side will not interfere with the legibility of the address. Manufacturers must submit 10 samples of proposed air letter sheets to the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D. C., for approval before engaging in their production. Approved private air letters must be prepaid 10 cents each when mailed, except those addressed to Canada and Mexico, which require 6 cents prepayment, and those for St. Pierre and Miquelon, which require 8 cents.

Note: The corresponding Postal Manual section is 231.52.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 269, 372)

#### PART 122-REGISTRATION

- a. In § 122.4 Fees, amend paragraph (a) to read as follows:
- (a) Postal union mail. For postal union mail the fee is 50 cents, except that for Canada the fees are 50 cents for liability up to \$10 and 75 cents for liability up to \$25. (See § 152.2 of this chapter for indemnity provisions.)

Note: The corresponding Postal Manual section is 232.41.

- b. In § 122.7 Restricted delivery, amend paragraph (b) to read as follows:
- (b) Articles mailed in other countries. Registered postal union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only," underlined in red, are delivered only to the addressee. At least two attempts are made to deliver these articles.

Note: The corresponding Postal Manual section is 232.72.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

### PART 123-INSURANCE

In § 123.4 Special endorsements, amend paragraph (b) (2) to read as follows:

(2) To most countries it is required that the insured value of the parcel be shown on the wrapper and on the dispatch note (From 2972). In some instances the insured value must be shown also in gold francs. Conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. To determine the gold franc equivalent, multiply the amount in United States currency by 3. For example, \$5.25 is equal to 15.75 gold francs.

Note: The corresponding Postal Manual section is 233,522.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 125-SPECIAL DELIVERY (EXPRESS)

a. Section 125.1 Availability, is amended to read as follows:

§ 125.1 Availability. For availability of this service, see § 111.1a of this chapter. The service applies to all postal union articles (ordinary and registered, surface and air) unless otherwise indicated. For example, to Canada it applies only to articles paid at the letter rate. Parcel post cannot be sent special delivery but may be prepaid for special handling (see Part 126 of this chapter).

Nore: The corresponding Postal Manual section is 235.1.

- b. In § 125.3 Payment, amend paragraph (b) to read as follows:
- (b) How paid. Prepay the special delivery fee by special-delivery stamps, ordinary postage stamps, or meter stamps. Airmail stamps may be used if the article is to be sent by air. Special-delivery stamps may be used only for payment of the special-delivery fee. The special-delivery fee must be prepaid in addition to the regular postage.

Note: The corresponding Postal Manual section is 235.32.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

#### PART 131—POSTAL CHARGES

Section 131.5 Letters in parcels is amended to read as follows:

§ 131.5 Letters in parcels or in AO mail. A letter found in a parcel or in an article of AO mail is charged double the postage (surface or air) applicable to a single-rate letter to the country concerned

Note: The corresponding Postal Manual section is 241.5.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

#### PART 132—Nonpostal Charges and IMPORT REGULATIONS

In § 132.1 Customs treatment and collection of duty, amend paragraph (c) (3) to read as follows:

(3) Unaccompanied articles, tourist purchases. If a package addressed to you contains purchases made while you were traveling abroad and is offered for delivery assessed with duty, you may receive the package without payment of the duty if the value of the articles is within your tourist exemption and if you will present to the delivering postal employee a completed customs Form 3351 or 6059-C executed by yourself. If you cannot produce the above mentioned customs form, but claim the package to be free under a tourist exemption to which you are entitled, the package will be delivered without collection of the duty upon execution by you of the Declaration of Claimant for Free Entry of Mail Parcels Under Tourist Exemptions printed on the reverse side of the duplicate copy of the mail entry accompanying the package.

Note: The corresponding Postal Manual section is 242.133.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES

In § 141.2 Parcel post, amend paragraph (a) to read as follows:

(a) Treatment. Your parcel if undeliverable will be treated in accordance. with your instructions on Forms 2966. 2922 and 2972. Returned parcels may be marked with the reason for nondelivery as stated in § 141.1 (b) (2). If you do not want your parcel forwarded to the addressee outside the country of address, you may mark it Do not forward to a third country, preferably in a language known in the country of address. Insured parcels are not forwarded or returned to a third country unless they can be forwarded or returned as insured. Some foreign postal authorities hold undeliverable parcels and request disposal instructions. You will be notified of such a request through your post office.

Note: The corresponding Postal Manual section is 251.21.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

## PART 142—INCOMING MAIL (TREATMENT IN THE UNITED STATES

- a. In § 142.1 Postal Union mail, make the following changes:
- 1. Amend that part of paragraph (b) which precedes subparagraph (1) to read as follows: "The Post Office will hold articles at your disposal for 30 days, except under the following circumstances:".
- 2. Amend paragraph (c) to read as follows:
- (c) Disposal. Articles known to be undeliverable are returned to origin, except for printed matter of no apparent value which is discarded unless it bears a request for return and the address of the sender.

Note: The corresponding Postal Manual section is 252.12 and .13.

- b. In § 142.2 Parcel post, make the following changes:
- 1. Paragraph (a) (2) is amended to read as follows:
- (2) To another country. A parcel will not be forwarded to you in another country unless the forwarding postage is paid in advance, except by surface transportation to the country of mailing where postage can be collected on delivery. A domestic third-or-fourth-class parcel will not be forwarded to another country but will be returned to the sender or otherwise treated as undeliverable matter.
- 2. In paragraph (b), amend the first sentence to read as follows: "The Post Office will hold a parcel at your disposal for 30 days unless it bears contrary instructions of the sender."

Note: The corresponding Postal Manual section is 252.21 and .22.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 143—FORWARDING DOMESTIC MAIL ABROAD

In § 143.1 Forwarding domestic mail abroad, add the following sentence: "See Part 144 of this chapter concerning forwarding to other countries of mail addressed to crew members or passengers on board ships."

Note: The corresponding Postal Manual section is 253.1

(R. S. 161, 396, as amended, 398, as amended; 5 U.S. C. 22, 369, 372)

PART 144-FORWARDING MAIL TO SHIP PAS-SENGERS AND CREW MEMBERS IN OTHER COUNTRIES

a. The part heading of Part 144 is amended to read as set forth above.

b. In § 144.1 Forwarding mail to ship passengers and crew members, make the following changes:

1. Amend the section caption to read as follows: § 144.1 Forwarding mail to ship passengers and crew members in other countries.

2. Amend that part of the section preceding paragraph (a) to read as follows: "Ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in the international mail, by surface or air, in one envelope addressed to a ship or travel agency under the following conditions:"

Note: The corresponding Postal Manual section is 254.1.

- 3. Add new paragraph (e) to read as follows:
- (e) Articles may be redirected and forwarded individually as prescribed in Parts 142 and 143, without the use of the forwarding envelope described in this part of this chapter.

Note: The corresponding Postal Manual section is 254.15.

(R. S. 161, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372

### PART 152—INDEMNITY CLAIMS AND PAYMENTS

In § 152.2 Indemnity payments, make the following changes:

- as follows:
- (1) Canada. You may be paid not to exceed \$25.00, based on actual value, for loss (contents and wrapper) in either Canada or the United States and for damage or rifling of contents when responsibility rests with the United States.
- 2. Amend paragraph (b) (3) to read as follows:
- (3) Ecuador and Portugal (including Madeira and the Azores.) You may be paid up to \$50.00, based on actual value, for loss, rifling, or damage (in case of Portugal, only for loss of both contents and wrapper), in accordance with the registry fee paid.

3. In paragraph (b) (4), strike out "Liberia".

Note: The corresponding Postal Manual section is 262.21 and .22.

- 4. In paragraph (d), amend subparagraph (1) to read as follows:
- (1) Indemnity in excess of the value of the contents of an insured or registered parcel or greater than that corresponding to the actual amount of loss, rifling or damage referred to in paragraph (a), (b), and (c) of this section, except in the case of loss of registered postal union mail. Allowance must be made for depreciation or for needed repairs and in the absence of purchase receipts or invoices, the contents must be described in sufficient detail.
- 5. In paragraph (d), strike out the second sentence of subparagraph (11) and insert in lieu thereof the following: "However, in the event of loss, rifling, or damage in this country of mail erroneously accepted for insurance to other countries, limited indemnity may specially be paid as if the parcel had been addressed to a domestic destination, i. e., on the basis of the indemnity limits for domestic insured mail. If erroneously accepted as registered mail limited indemnity may be specially paid under the conditions in paragraph (a) of this section."
- 6. In paragraph (d) add new subparagraph (19) to read as follows: (19) For loss of articles registered free.

Note: The corersponding Postal Manual section is 262.24.

5 U.S.C, 22, 369, 372)

PART 161—SHIPPER'S EXPORT DECLARATION

In § 161.4 How obtained, strike out "55 cents" and insert in lieu thereof "75 cents".

Note: The corresponding Postal Manual section is 271.4.

(R. S. 161, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

PART 162-COMMERCE DEPARTMENT REGU-LATIONS (COMMODITIES AND TECHNICAL DATA)

In § 162.2 General licenses, make the following changes:

- 1. Add the following to paragraph (a): "No marking is required on wrappers of 1. Amend paragraph (a) (1) to read packages containing printed matter and technical data mailed under general licenses G-PUB, GTDP, GTDU and GTDS."
  - 2. In paragraph (b) make the follow-
  - ing changes:
    a. Délete "Laos (Communist-controlled areas)" and Poland.
  - b. The parenthetical phrase "(for Hong Kong)" appearing in the second sentence is amended so as to include therein "and Macao".

Nore: The corresponding Postal Manual section is 272.21 and .22.

3. Add the following to paragraph (e): "No general license symbol is required on the wrapper."

section is 272.25.

- 4. In paragraph (f), amend subparagraph (4) to read as follows:
- (4) No general license symbol is required on the wrappers of packages mailed under licenses GTDP, GTDU and
- 5. In paragraph (h) add the following to the first sentence: "and Macao".

Note: The corresponding Postal Manual section is 272.264 and .28.

(R. S. 161, 396, as amended, 398, as amended; 5 U.S. C. 22, 369, 372

PART 163-STATE DEPARTMENT REGULA-TIONS: (ARMS AND TECHNICAL DATA)

In § 163.3 Technical data exempt from license, amend the reference "22 CFR 75.140 complied with" to read as follows: "22 CFR 125.41 complied with".

Note: The corresponding Postal Manual section is 273.3.

(R. S. 161, 396, as amended, 398, as amended: 5 U.S. C. 22, 369, 372

[SEAL]

LEO G. KNOLL. Acting General Counsel.

'[F. R. Doc. 58-5899; Filed, July 31, 1958; 8:49 a. m.]

### TITLE 49—TRANSPORTATION

### Chapter I-Interstate Commerce Commission

[Fourth Section Order 18900]

(R.S. 161, 396, as amended, 398, as amended; PART 143—Long-and-Short-Haul and AGGREGATE-OF-INTERMEDIATES RATES

FOURTH SECTION APPLICATIONS FOR RELIEF

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 15th day of July A. D. 1958.

Upon further consideration of the matters and things involved in fourthsection order no. 18900, entered by Division 2 on April 11, 1958, and upon consideration of a petition dated June 18, 1958, filed by R. E. Boyle, Jr., Chairman, Southern Freight Association, T. H. Maguire, Chairman, Executive Committee-Western Traffic Association, and E. V, Hill, Chairman, Traffic Executive Association-Eastern Railroads, for modification of fourth-section order no. 18900, which order and petition are hereby referred to and made a part hereof, and for good cause shown:

It is ordered, That fourth-section or-'der no. 18900 (23 F. R. 2969), entered as aforestated, be, and it is hereby, modified and amended so as to provide that the order, which by its present terms is to become effective August 1, 1958, shall become effective December 31, 1958, in-

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12)

By the Commission, Division 2.

HAROLD D. McCoy, [SEAL] Secretary.

Note: The corresponding Postal Manual [F. R. Doc. 58-5896; Filed, July 31, 1958; 8:49 a. m.]

### TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I-Bureau of Land Management, Department of the Interior

Appendix-Public Land Orders [Public Land Order 1694] [Fairbanks 014521]

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS A HIGHWAY MAINTENANCE DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws and not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Bureau of Public Roads as a highway maintenance depot:

#### BLACK RAPIDS AREA

Beginning at a point from which P. I. Sta. "S" 1699+12.1 on the Richardson Highway, approximate latitude 63°25' N., longitude 145°46' W., bears N. 78°19'30" E., 125.44 feet thence,

S. 59°35'00" W., 330.0 feet; S. 30°25'00" E., 660.0 feet;

N. 59°35′00″ E., 518.2 feet to a point on the centerline of the Richardson Highway;

Northerly, 600 feet, approximately; along the centerline of the Richardson Highway to Sta. "S" 1699+50;
S. 59°35'00" W., 150 feet to the point of

beginning.

The tract described contains 7.56 acres.

ROGER ERNST.

Assistant Secretary of the Interior.

JULY 25, 1958.

[F. R. Doc. 58-5880; Filed, July 31, 1958; 8:45 a. m.]

### [Public Land Order 1695] [958795]

### ALASKA

REVOKING EXECUTIVE ORDER NO. 3406 OF FEBRUARY 13, 1921, WHICH ESTABLISHED EAST FORELAND LIGHTHOUSE RESERVATION; WITHDRAWING A PORTION OF RELEASED LANDS FOR USE OF COAST GUARD

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3406 of February 13, 1921, which withdrew lands in Alaska for the East Foreland Lighthouse Reserve, now described as U. S. Survey No. 1615, is hereby revoked.

2. Subject to valid existing rights, the following-described lands, which are a portion of the lands included in paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but

not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the United States Coast Guard for lighthouse purposes:

### SEWARD MERIDIAN

T. 7 N., R. 12 W., Sec. 4, lots 5, 6, and W1/2 SE1/4 SW1/4; Sec. 5, lot 1; Sec. 8. lot 1: Sec. 9, lots 1 and 2.

The areas described aggregate 151.99 acres.

3. The lands released from Executive Order No. 3406 by this order are described as follows:

#### SEWARD MERIDIAN

T. 7 N., R. 12 W.,

Sec. 3, lots 1, 2, 3, 8, 9, 10, 11, 12, NW1/4NE1/4, S1/2 NW1/4, and NW1/4 SW1/4;

Sec. 4, lots 1, 2, 3, 4, 7, 8, and E½ SE¼ SW¼; Sec. 9, lots 3, 4, 7, 8, NE¼, E½NW¼, E½ SW1/4, and NW1/4SE1/4; Sec. 10, lot 7;

Sec. 16, lots 1, 2, 10, 11, 12, 13, and NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

T. 8 N., R. 12 W. Sec. 34, lots 1, 2, 4 and 5;

Sec. 35, lot 31.

The areas described aggregate 1347.89 acres.

4. All the lands are within the exterior boundaries of the Kenai National Moose Range as established by Executive Order No. 8979 of December 16, 1941, but are within a "strip" of land six miles in width which by that order was left subject to settlement location, sale, entry, and to other forms of lease and disposal under the public land laws, with the proviso that the lands in such excepted areas should be classified, and those classified as not suitable for settlement should no longer be available for that purpose.

5. As the lands in section 16 are reserved for the support of the common schools in Alaska pursuant to the act of March 4, 1915 (38 Stat. 1214; 48 U.S.C.

353, 354) as amended, paragraph 8 hereof does not apply to those lands.
6. In accordance with the provisions of the act of July 28, 1956 (70 Stat. 709, 111, 101 July 28, 1956 (70 Stat. 709, 111, 111). 711; 48 U.S. C. 46-3 (b)), the Territory of Alaska shall have, until 10:00 a.m. on October 25, 1958, a preferred right of selection of the lands, subject to prior existing valid rights and to equitable claims subject to allowance and confirmation.

7. No application for the lands may be allowed under the homestead, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Subject to any existing valid rights and the requirements of applicable law. the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the follow-

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims

mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World World II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, presented prior to 10:00 a. m. on October 25, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on January 24, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 24, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws pursuant to the regulations in 43 CFR 192.9. They will be open to location under the United States mining laws beginning at 10:00 a.m. on January 24, 1959.

9. Persons claiming veterans preference rights under paragraph 8a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST.

Assistant Secretary of the Interior.

JULY 25, 1958.

[F. R. Doc. 58-5881; Filed, July 31, 1958; 8:46 a. m.]

### **RULES AND REGULATIONS**

### TITLE 47—TELECOMMUNI-CATION

## Chapter I—Federal Communications Commission

[Rules Amdt. 2]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS:

TABLE OF FREQUENCY ALLOCATIONS

In the matter of amendment of § 2.104 of the Commission's Rules and Regulations to effect certain editorial changes therein.

The Commission having under con- 4 (i), 5 (d) (1), and 303 (r) of the Comsideration the desirability of making cer- munications Act of 1934, as amended,

tain editorial changes in the table of frequency allocations above 25 Mc of its Rules and Regulations to correct certain errors, omissions and inconsistencies which do not involve any substantive change in the table; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, 'prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934. as amended.

and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information:

It is ordered, This 28th day of July 1958, that effective August 1, 1958, the table of frequency allocations above 25 Mc in § 2.104 (a) (5) is amended and recapitulated to read as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 29, 1958.

Federal Communications Commission,

[SEAL] GORDON J. KENT,

Acting Secretary.

sideration	n the desirabili	tty OI IIIa	anis coi in	·	E ACO O					Zicong Decirotal y.
Wo	orld wide	I	Region 2	United	States		Feder	al Communication	Commi	ssion
Band Me	Service	Band Me	Service	Band Me	Alloca- tion	Band Mc	Service	Class of station	Fre- quency Mc	Nature OF SERVICES of stations
. 1	2 .	3	4	5	6	7	8	9	10	11 -
24, 99-25, <b>01</b> (170)	Standard fre- quency.	, ,		24. 99- 25. 01 . (US17)	G			-		
25, 01-25, 69	a. Fixed. b. Mobile except aeronautical mobile.			25. 01- 25. 33	NG ·	25. 01-25. 33 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile,	25. 02- 25. 32 (N G45)	INDUSTRIAL.
25, 6-26, 1	Broadcasting.		,	25.33- 25.85 (US17) (US36)	<b>G</b>		-			•
		,	<b>\</b>	25.85- 26.48 (US37)	NG	25, 85-26, 10 (NG1) (NG22) (NG32)	Broadcasting.	International broadcasting.		International broadcasting.
26. 1-27. 5	a. Fixed. b. Mobile except aeronautical	,			-	26. 10-26. 48 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	26.11- 26.47 (NG45)	Remote pickup broadcas base; remote pickup broad cast mobile.
	mobile.			26. 48- 26. 95 (US17) (US21)	G			,	26, 62	Civil air patrol land; civil air patrol mobile.
				26. 95- 27. 54	NG	26, 95-26, 96 (NG1)	Fixed.	Fixed.	26. 955	INTERNATIONAL FIXED PUBLIC.
(171) (172)		<u> </u>	,			26. 96-27. 23 (N G2)	Amateur. (US1)		27, 12	Industrial, scientific, and medical equipment.
	`		,			27. 23-27. 28 (NG1) (NG2)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.	,	,
		-	- ,			27. 28-27. 54 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	27. 29- 27. 53 (NG45)	INDUSTRIAL.
27.5-23.0	•	27.5- 28.0	a. Fixéd. b. Mobile.	27. 54- 28. 00 (US17)	G		``			•
28.0-29.7	Amateur.		,	28.0-29.7	Amateur (US1)	28.0-29.7	Amateur.	Amateur.		AMATEUR.
29.7-88.0		29.7-44.0	a. Fixed. b. Mobile.	29.70- 29.89	NG	29.70-29.80 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	(NG45)	
						29, 80-29, 89 (NG1)	Fixed.	Fixed.	29, 81- 29, 88 (N G 44)	AERONAUTICAI FIXED; INTERNA TIONAL FIXED PUB LIC.
				29. 89- 29. 91 (US17)	G				`	
				29. 91- 30. 00	NG	29.91-30.0 (NG1)	Fixed.	Fixed.	29.92- 29.99 (NG44)	A E R O N A U T I O A : FIXED; INTERNA TIONAL FIXED PUE LIC.
				30.00- 30.56 (US17)	G.					_

Wor	d wide	<u> </u>	Region 2	United	l States		Fede	ral Communication	s Comm	ission
Band Me	Service	Band Mc	Service	Band Mc	Alloca- tion	Band Me	Service	Class of station	Fre- quency Mo	Nature OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
		\		30, 56- 32, 00	NG	30, 56-32, 00 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	30, 58 30, 62	INDUSTRIAL.
Ì			,			(11022)	-		30, 66- 30, 82 (NG 46)	INDUSTRIAL: LANE TRANSPORTATION,
									30, 86- 31, 14 (NG46)	LAND TRANSPORT AT I ON; PUBLIC SAFETY.
-								,	31, 18- 31, 98 (NG46)	PUBLIC SAFETY.
1				32-33 (US17)	æ,			,		
				33-34	NG	33-34 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	33.02 33.06 33.10	PUBLIC SAFETY. Do. Do.
			-						33, 14- 33, 38 (NG46)	INDUSTRIAL.
	•		<u> </u>						33, 42- 33, 98 (NG45)	PUBLIC SAFETY.
į			<b>*</b>	34-35 (US17)	G	· · · · · ·				
• ~			-	35-36	NG	35. 00-36. 00 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	35, 02- 35, 18 (N G45)	INDUSTRIAL.
,		-			_				35, 22- 35, 64 (NG46)	DOMESTIC PUBLIC.
	1		`						35, 70- 35, 98 (NG45)	INDUSTRIAL.
				36-37 (US17)	G					
			,	37-38	NG	37-38 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	37.02- 37.42 (NG46)	PUBLIC SAFETY.
.			-		,	,	,	-	37. 46- 37. 86 (NG46)	INDUSTRIAL.
	•								37.90 37.94 37.98	PUBLIC SAFETY. Do, Do.
1			ì	38-39 (US17)	G		-			
İ				39-40	NG	39-40 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	39,02- 39,98 (NG46)	PUBLIC SAFETY.
(176)		-		40-42 (US2) (US17) (US29)	G.		,		40.68	Industrial, scientific, and medical equipment.
				42-44	NG	42.00-44.00 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	42, 02- 42, 94 (NG45)	PUBLIC SAFETY.
	,		!				-	_	42.96- 43.18 (NG45)	INDUSTRIAL.
					.				43. 22- 43. 66 (NG46)	DOMESTIC PUBLIC.
	_								43.70- 41.00 (NG45)	LAND TRANSPORTA
	\$	44-50	a. Broadcasting. b. Fixed. c. Mobile.	44. 0-46. 6	NG -	41. 00–46. 51 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	44. 02- 44. 60 (NG45)	LAND TRANSPORTA-
									44. 62- 46. 50 (NG45)	PUBLIC SAFETY.
						46. 51–46. 60 (NG1) (NG51)	Fixed.	Fixed.		AERONAUTICAL FIXED; INTERNA- TIONAL FIXED PUBLIC.
	-	1		46.6-47.0 (US17)	G					

Wo	rld wide	- :	Region 2	United	States		Feder	al Communication	s Commi	ission
Band Me	Service	Band Me	Service	Band Mc	Alloca- tion	Band Me	Service	Olass of station	Fre- quency Mc	Nature {OF SERVICES of stations
· 1	2	3	- 4	5	6	7	8	9	10	11
		,	, ,	47.0-49.6	NG	47. 00-49. 51 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	47.02- 47.42 (NG45)	PUBLIO SAFETY.
-			-		Ţ	-	ŗ	,	47.44- 47.68 (NG45)	PUBLIO SAFETY; INDUSTRIAL.
_			-		:	, -		-	47.70- 49.50 (NG45)	INDUSTRIAL.
						49. 51-49. 60 (NG1) (NG51)	Fixed.	Fixed.		AERONAUTICAL FIXED; INTERNA- TIONAL FIXED PUBLIC.
			_	49.6-50.0 (US17)	G				,	
-	,	50-54	Amateur.	50-54	Amateur (US1)	50-54	Amateur.	Amateur.		AMATEUR.
~	-	54-72	a. Broadcasting. b. Fixed. c. Mobile.	54-72 (US34)	NG	54-72 (NG1)	Broadcasting.	Television broadcasting.	55. 25 59. 75 61. 25 65. 75 67. 25 71. 75	Video Sound Channel 2. Video Sound Channel 3. Video Sound Channel 4.
		72-76	a. Fixed. b. Mobile.	72-76 (US32)	NG	72.0-76.0 (NG1)	Fixed. (NG3) (NG5)	Operational fixed.	72.02- 74.58 (NG46)	Operational fixed.
(184)	` .		,	(US4)	}					
			-						75.42- 75.98 (NG46)	Operational fixed.
		76-88	a. Broadcasting. b. Fixed. c. Mobile.	76-88 (US33)	NG	76-88 (NG1) (NG28)	Broadcasting.	Television broadcasting.	77. 25 81. 75 83. 25 87. 75	Video Sound Channel 5. Video Sound Channel 6.
88-100 .	Broadcasting.			88-108 (US33)	NG	88-103 (NG1) (NG28)	Broadcasting.	FM broadcast- ing. (NG4)	88. 1- 107. 9 (NG50)	FM Channel 201-FM channel 300.
100-103		100-108	Broadcasting.	٠.						
109-118	Aeronautical radionavigation.			103-132 (US5)	G, NG	108-118	Aeronautical radionavigation.	Radionavigation land.	108. 1 108. 3 108. 4 108. 5 108. 6 108. 6 108. 7 108. 6 108. 7 108. 8 109. 0 109. 1 109. 2 109. 2 109. 4 109. 6 109. 7 110. 3 110. 5 110. 6 111. 1 111. 2 111. 6 111. 7 111. 6 111. 7 111. 6 111. 7 111. 6 111. 7 111. 6 111. 7 111. 6	Localizer. Omni-directional radio range.
			. '			, -		,	112.1- 117.9· (NG49)	Omni-directional radio range

W	orld wide		Region 2	Unite	d States		Fede	ral Communication	s Comm	ission
Band Me	Service	Band Me	Service	Band Mc	Alloca- tion	Band Mc	Service	Class of station	Fre- quency Me	Nature OF SERVICES of stations
1	2.	3	4 .	5	6	7	8	9	10	11
118-132	Aeronautical mobile (R). (149) (256)				_	118-132 (US6)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.1- 121.3 (NG49)	Airdrome control.
(195)									121. 5	AERONAUTICAL MO BILE.
`			•						121. 7 121. 8 121. 9	Aeronautical utility land Aeronautical utility mo- bile. Do. Do.
,									122.1 122.2 122.3 122.4 122.5 122.6 122.7 122.8 122.9 123.0	Private aircraft.  Do.  Do.  Do.  Do.  Do.  Acronautical Advisory Station.  Private aircraft.  Aeronautical Advisory Station.
-	`								123. 1 123. 15 123. 2 123. 25 123. 3 123. 35 123. 4 123. 45 123. 5	Flight test; Flying school. Flight test. Do. Flight test; Flying school. Flight test. Do. Do. Flight test; Flying school.
									123.7- 131.9 (NG49)	AERONAUTICAL MO BILE.
132-144	, -	132-144	a. Fixed. b. Mobile.	132-144 (US17) (US21)	G-		,	,	143.91	Civil Air Patrol land: Civil Air Patrol mobile.
144-146	Amateur.	110.110		144-148	Amateur (US1)	144-148	Amateur.	Amateur.		AMATEUR.
146-235		146-148	Amateur. a. Fixed.	148.0-	G·			<u> </u>		
			b. Mobile.	150, 8 (US17) (US21)						,
				150. 8- 162, 0	NG	150.8- 150.98 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTA
· -						150. 98- 151. 49 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
						151, 49- 152, 0 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
-			-			152.0- 152.24 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
	,	,			,	152. 24- 152. 48 (NG1) (NG22) (NG57)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTA
			,			152, 48- 152, 84 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
						152.84- 153.7325 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL (NGo).
	,					153, 7325- 154, 46 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY (NG35)
						154, 46- 154, 6275 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						154, 6275- 156: 25 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.

	orld wide		Region 2	United	States	-	Federa	l Communication	s Commi	ssion
Band Me	Service	Band Mc	Service	Band Mo	Alloca- tion	Band Me	Service	Class of station	Fre- quency Mc	Nature {OF SERVICES of stations
1	2	8	4	8	6	7	8	9	10	11
					,	156, 25- 157, 45 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	156. 55 156. 6	MARITIME MOBILE (NG8). MARITIME MOBILE. MARITIME MOBILE (NG31). MARITIME MOBILE. MARITIME MOBILE (NG31). MARITIME MOBILE (NG31). MARITIME MOBILE (NG9). MARITIME MOBILE (NG9). MARITIME MOBILE,
(198)	-		-	(US20)				, , ,	156. 65 156. 7 156. 8 156. 9 156. 95 157. 0 157. 05 157. 1 157. 1 157. 1 157. 2	Do. Do. MARITIME MOBILE (NGIO). MARITIME MOBILE. Do. MARITIME MOBILE (NG3I). MARITIME MOBILE (NG3I). MARITIME MOBILE.  GOVERNMENT. Do. Do.
	-		-					5	157. 25 157. 3 157. 35 157. 4	MARITIME MOBILE. Do. Do. Do.
`					-	157. 45- 157. 74 (NG1) (NG22) (NG57)	Land mobile.	a. Base. b. Land mobile.	-	LAND TRANSPORTA- TION.
			,	-	-	157. 74- 158. 1 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
	-			~		158. 1- 158. 46 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
	-				-	158. 46+ 158. 7 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
	,					158.7-1 159.43 (NG1) (NG22)	Land mobile,	a. Base. b. Land mobile.		PUBLIC SAFETY.
				- ~		159. 43- 161. 575 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTA- TION (NG11) (NG35) (NG40).
-					-	161, 575- 161, 625 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	161. 6 (NG52)	MARITIME MOBILE (NG11) (NG35) (NG53).
,			-	`		161. 625- 161. 825 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTA- TION (NG11) (NG35).
				(US24)		161. 825- 162. 0 (NG1) (NG7)	Maritime mobile.	Coast.	161. 85 161. 9 161. 95 162. 0	Coast (NG35). Coast. Do. . Do.
				162-174 (US17) (US19) (US22) (US25)	G.				166. 25 170. 15 170. 425 170. 475 170. 575 171. 425 171. 575 171. 575 172. 225 172. 275 172. 375	Do. Do. Do.
	i			(US20)	,	173. 2-173. (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.		INDUSTRIAL

Wo	orld wide		Region 2	United	l States		Feder	ral Communication	s Comm	ission
Band Me	Service	Band Mc	Service	Band Me	Alloca- tion	Band Me	Service	Class of station	Fre- quency Mc	Nature OF SERVICES of stations
1	2	3	4	5	6	- 7	8	9	10	11
	•	174-216	a. Broadcasting. b. Fixed. c. Mobile.	174-216	NG	174-216 (NG1)	Broadcasting.	Television broadcasting.	175. 25 179. 75 181. 25 185. 75 187. 25 191. 75 193. 25 197. 75 199. 25 203. 75 205. 25 209. 75 211. 25 215. 75	Video Sound Channel 7. Video Channel 8. Video Channel 9. Video Channel 10. Video Sound Channel 11. Video Sound Channel 11. Video Sound Channel 12. Video Sound Channel 13.
		216-220	a. Fixed, b. Mobile.	216-220 (US8) (US17)	G.		,	-	217. 425 217. 475 217. 525 217. 525 217. 525 217. 625 217. 675 219. 325 219. 425 219. 425 219. 425 219. 525 219. 525 219. 525	tering mobile.  Do. Do. Do. Do. Do. Do. Do. Do. Telemetering land; Telemetering mobile.
		220-225	Amateur.	220-225	G, NG (US103)	220-225 (NG20)	Amateur.	Amateur.		AMATEUR.
235. 0-328. 6	a. Fixed. b. Mobile.	225-235	a. Fixed. b. Mobile.	225. 0- 328. 6 (US17)	G	(US30)	-			
328. 6-335, 4 (259)	Aeronautical radionaviga- tion.			328. 6- 335. 4	G, NG	328. 6-335. 4	Aeronautical radionaviga- tion.	Radionaviga- tion land.		Glide path.
335. 4–420. 0	a. Fixed. b. Mobile. (208)			335.4- 400.0 (US17)	G.	-	,			
				400-406	G, NG	400-406	Meteorological aids.	Radiosonde.		
-				406-420 (US17) (US25)	G					
420-450	a. Aeronautical radionaviga- tion. b. Amateur. (210) (211)			420-450	G, NG (US11) (US18) (US104)	420-450	Amateur.	Amateur.		AMATEUR.
450-460		450-460	a. Aeronautical radionaviga- tion. b. Fixed. c. Mobile. (210) (211)	450-890 (US11)	NG	450-451 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		Remote pickup broade ist base; remote pickup broad- cust mobile.
:						451–452 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	.	INDUSTRIAL.
		-				452-453 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTA-
`					-	453–454 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
			ſ			454-455 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
` .						455–456 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		Remote pickup broadcast base; remote pickup broad- cast mobile.
						456–457 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						457-458 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	-	LAND TRANSPORTA-
	-					458-459 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	.	PUBLIC SAFETY.
						459–460 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.

Wo	orld wide	1	Region 2	United	States		Federa	al Communication	s Comm	ission
Band Me	Servica	Band Me	Service -	Band Mc	Alloca- tion	Band Me	Service	Class of station	Fre- quency Mc	Nature OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
409-470	a. Fixed. b. Mobile.					460-461 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS.
						461-462, 525 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						462, 525- 463, 225 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS.
-	,		-			463. 225- 464. 725 (NG1)	Land mobile.	a. Base. b. Land mobile.	-	INDUSTRIAL; CITI- ZENS.
	ŕ				,	464. 725- 466. 475 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS.
					,	466.475-470 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL; CITI- ZENS. (NG58).
470-585	Broadcasting.		-		١	470-500 (NG1)	Broadcasting.	Television broadcasting.		
r%5-610		585-610	Broadcasting.	. (		500-890 (NG1) (NG42)	Broadcasting.	Telèvision broadcasting.	-	`
610-940 (212)	Broadcasting. (214)			890-942	G (US104A)		·		915	Industrial, scientific, and medical equipment.
040-960	-	940-960	Fixed.	942-960	NG	942-952 (NG1) (NG13)	Fixed.	FM broadcast STL (NG14).		-
					`	952-960 (NG1) (NG15)	Fixed.	a. International control. b. Operational fixed.		
060-1215	Aeronautical ra- dionavigation.		•	960-1215 (US12)	G, NG	960-1215	Aeronautical radionavi- gation,	./		,
1215-1300	Amateur.			1215-1300	G, NG (US105)	1215-1300	Amateur.	Amateur.		AMATEUR.
1300-1700	(216)	1300-1660	Aeronautical ra- dionavigation. (218)	1300-1350	G, NG	1300-1350	Aeronautical radionavi- gation.	Surveillance radar (Pulsed emission only)		
	•	-		1350-1400	G					
				1400-1700	G,NG	1400-1660	Aeronautical radionavi- gation.	Radionaviga- tion (includ- ing altimeter).		,
		1660-1700	Meteorological aids (radio- sonde).	,	,	1660-1700	Meteorological aids (Radio- sonde).		1680	Radiosonde.
1700-2300	a. Fixed b. Mobile			1700-1850 (US17)	G		1	r		\
-			•	1850-2200	NG	1850-1990 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.	,	,
			`		_	1990-2110' (NG1) (NG16)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL.		,
		-	` .		,	2110-2200 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
				2200-2300 (US17)	G		~ ,			_
2300-2450 (220)	Amateur.		`	2300-2450	G, NG (US109)	2300-2450	Amateur.	Amateur.	0.55	To Suntale State 10
2459-2700 (220)	a. Fixed. b. Mobile.	,		2450-2700	NG (US110)	2450-2500 (NG1) (NG17)	a. Fixed. b. Mobile.		2450	Industrial, scientific, and medical equipment.
•	, -			,		2500-2700 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
2700-2900	Aeronautical ra- dionavigation. (222)			2700-3100	G, NG	2700-2900	a. Aeronautical radionaviga- tion. b. Meteorologi- cal aids.	-		~

Wo	orld wide		Region 2	United	States	Federal Communicatious Commission					
Band Mc	Service	Band Mc	Service	Band Mc	Alloca- tion	Band Me	Service	Class of station	Fre- quency Mc	Nature OF SERVICES of stations	
1	2	3	4	5	6	7	. 8	ý	10	11	
2900-3300	Radionavigation. (223) (224)		,			2900-3100 (NG18) (NG39)	Radionaviga- tion.	-			
	,			3100-3500	G (US113B) (US113C)						
3300 <b>-3900</b>		3300-3500 3500-3900		3500-3700	G, NG	2500 2500	A A	<b>A</b>			
		3300-3300	b. Mobile.	<b></b>	(US104)	3500-3700	Amateur.	Amateur.		AMATEUR.	
3900-4200	a. Fixed. b. Mobile.			3700-4200	NG	3700-4200 (NG1)	Fixed.	Common carrier fixed.			
4200–4400 (260)	Aeronautical ra- dionavigation.			4200-4400	G, NG	4200-4400	Aeronautical radionavi- gation.	Altimeter.	-		
4400-5000	a. Fixed. b. Mobile.			4400-5000 (US17)	G	9	-				
5000-5250 (261)	Aeronautical ra- dionavigation.			5000-5100	G, NG	5000-5100	Aeronautical radionavi- gation.				
				5100-5250	G						
5250-5650	Radionavigation. (226) (227)			5250-5650	G, NG	5250-5440 (NG18)	Radionaviga- tion.				
		, ,	•			5440-5460	Radionaviga- tion.	Racon.	5450	Racon.	
	,					5460-5650 (NG18)	Radionaviga- tion.				
5650-5850 (228)	Amateur.			5650-5925	G, NG (US119)	5650-5925	Amateur.	Amateur.	5850	Industrial, scientific, and medical equipment.	
5950-5925 (228)		5850-5925	Amateur.	·			-				
5925-8500	a. Fixed. b. Mobile.			5925-7125	NG	5925-6425 (NG1)	Fixed.	Common carrier fixed.			
					_	6425-6575 (NG1)	Mobile.	a. Land (NG12). b. Mobile (except television pickup).			
	ľ					6575-6875 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.			
	· •					6875-7125 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)			
		,		7125-8400 (US17)	G.			2.			
		-	;	8400-8500	NG	8400-8500	a. Fixed. b. Mobile.				
8500 <b>-9800</b>	Radionavigation (230) (231)			8500-9000	G (US120)						
				9000-9200	G, NG	9000-9200 (NG18)	Radionaviga- tion.				
				9200-9300	G.						
				9300-9500	G, NG	9300-9320	Radionaviga- tion.	Racon.	9310	Racon.	
			-			9320-9500 (NG18)	Radionaviga- tion.				
				9500-9800	G (US126)						
9800-10000	a. Fixed. b. Radionaviga- tion.			9800-10000 (US17)							
10000-10500	Amateur.			10000- 10500	G, NG (US127)	10000-10500	Amateur.	Amateur.		AMATEUR.	

World wide		Region 2		United States		Federal Communications Commission				
Band Me	Service	Band Mo	Service	Band Me	Alloca- tion	Band Mc	Service	Olass of station	Fre- quency Mc	Nature OF SERVICES of stations
1	2 .	3	.4	Б	6	7	8	₹ 9	10	' 11
Above 10509 not allocated.				10500- 10550 (US1)	G, NG	10500-10550	Radiolocation.	Radiolocation (CW emission only).		RADIOLOCATION.
			- 1	10550- 10700	NG	10550-10700 (NG1)	a. Fixed. b. Mobile.			
				10700- 13200	NG .	10700-11700 (NG1)	Fixed.	Common car- rier fixed.	-	
-		-	-	,		11700-12200 (NG1)	Mobile.	a. Land (NG12) b. Mobile (ex- cept televi- sion pickup).		
	;					12200-12700 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
			<i>.</i> -			12700-13200 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
		-		13200- 13250	NG	13200-13250 (NG1)	a. Fixed. b. Mobile.			,
				13250- 16000 (US17)	G	-		,		
		-		16000- 18000 (US16)	NG	16000-18000 (NG1)	a. Fixed. b. Mobile.	-	18000	Industrial, scientific, and
		-		18000- 21000 (US16) (US17)	G			-	10000	medical equipment.
		,		21000- 22000	Amateur.	21000-22000	Amateur.	Amateur.		AMATEUR.
				22000- 26000 (US17)	G		•	- '		-
			ľ	26000- 30000	NG	26000-30000 (NG1)	a. Fixed. b. Mobile.			
			,	Above 30000	G, NG	,		a. Amateur. b. Experi- mental.		>

[F. R. Doc. 58-5876; Filed, July 31, 1958; 8:45 a. m.]

### TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and) Orders), Department of Agriculture

[Pear Order 10]

PART 939--Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALI-

### REGULATION BY GRADES AND SIZES

§ 939.310 Pear Order 10-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and infor- sonable determination as to the compo-

mation submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REG-ISTER (60 Stat. 237; 5 U.S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 4, 1958. A reasition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 17, 1958, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until July 25, 1958; shipments of the current crop of such pears are expected to begin on or about August 11, 1958, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., August 4, 1958, and ending at 12:01 a.m., P. s. t., July 1, 1959, no handler shall ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 193 size: Provided, That, Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenth (3/16) of one inch in diameter or depth, as the case may be, if they otherwise grade at least U.S. No. 1, and are of a size not smaller than the 135 size: Provided, further, That Beurre D'Anjou pears grown in the Medford or Hood River-White Salmon-Underwood Districts which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 193 size.

(ii) Any Beurre Bosc pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size: Provided, That, Beurre Bosc pears grown in the Placerville District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks. may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size: Provided. further, That, Beurre Bosc pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade,

only because of healed hail marks, or frost injury, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size: *Provided*, That, Doyenne du Comice pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks, if such pears are not very seriously misshapen or which fail to meet the requirement with respect to russeting specified in the U.S. No. 2 grade, may be shipped if such pears are of a size not smaller than the 180

(iv) Any Winter Nelis pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 225 size: Provided, That, Winter Nelis pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 225 size; and

(v) Any Beurre Easter pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 165

(2) When used herein, "U. S. No. 1," "U. S. No. 2," "hail marks," "russeting,"

and "frost injury," shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties §§ 51.1300 to 51.1321 of this title; "very seriously misshapen," shall have the same meaning as set forth in the Washington State Department of Agriculture Standards for D'Anjou, Bosc, Winter Nelis and Other Varieties of Winter Pears; "135 size," "165 size," "180 size," "193 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in acordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 135, 165, 180, 193, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 111/2 inches wide by 8½ inches deep), and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Dated: July 29, 1958.

FLOYD F. HEDLUND, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5891; Filed, July 31, 1958, 8:48 a. m.]

### PROPOSED RULE MAKING

### DEPARTMENT OF LABOR

Wage and Hour Division

[ 29 CFR Parts 670, 673, 675, 677 ]

[Administrative Order 512]

VARIOUS INDUSTRIES IN PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NO-TICE OF HEARING

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 41-A for the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico; Industry Committee No. 41-B for the Food and Related Products Industry in Puerto Rico; Industry Committee No. 41-C for the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico; and Industry Committee No. 41-D for the Lumber and Wood Products Industry in Puerto Rico.

Industry Committee No. 41-A is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota, Walter R. Johnson, Washington, D. C., Luz M. Torruellas, Rio Piedras, Puerto Rico.

No. 150-4

Portland, Oregon, Frank Grillo, Santurce, Puerto Rico, Herbert D. Dawson, Akron, Ohio.

For the employers: Joseph C. Fagan, Madison, Wisconsin, Arnold H. Toby, Canovanas, Puerto Rico, Manuel Pedreira, Roosevelt, Puerto Rico.

For the purpose of this order, the chemical, petroleum, rubber, and related products industry in Puerto Rico is defined as follows:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases, and the manufacture of products therefrom; the manufacture of all products made chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper: Provided. however, That the industry shall not include any activity included in the men's and boys' clothing and related products industry (29 CFR Part 703), the corsets, brassieres, and allied garments industry (29 CFR Part 614), or the alcoholic beverage and industrial alcohol industry (29 CFR Part 619), as defined in the wage orders for those industries in Puerto Rico, or the children's dress and related products industry or

For the employees: James E. Dicey, Sr., • the needlework and fabricated textile products industry, as defined in Administrative Order No. 508 (22 F. R. 4036), or the food and related products industry. as defined in this Administrative Order No. 512, or any activity performed in the capacity of a public utility.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquefied gases: insecticides and fungicides; salt; explosives; fireworks and pyrotechnics; coke and coke-oven byproducts; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; asphalt tile, rubber tile, and linoleum; new, rebuilt, and retreaded tires, and inner tubes; reclaimed rubber; industrial and mechanical rubber goods; rubber specialties, and sundries.

Industry Committee No. 41-B is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota, Walter R. Johnson, Washington, D. C., Luz M. Torruel-

las, Rio Fiedras, Puerto Rico.

For the employees: James E. Dicey, Sr.,
Portland, Oregon, Frank Grillo, Santurce.
Puerto Rico, Ben J. Man, Washington, D. C.

For the employers: Joseph C. Fagan, Madison, Wisconsin, Harold E. Morgan, Playa de Ponce, Puerto Rico, Jose Unanue, Bayamon, Puerto Rico.

For the purpose of this order, the food and related products industry in Puerto Rico is defined as follows:

The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and nonalcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables, and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: Provided, however, That the industry shall not include any product or activity included in the sugar manufacturing industry (29 CFR Part 689), the alcoholic beverage and industrial alcohol industry (29 CFR Part 619), as defined in the wage orders for those industries in Puerto Rico, or the chemical, petroleum, rubber, and related products industry, as defined in this Administrative Order No. 512.

Industry Committee No. 41-C is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota, Walter R. Johnson, Washington, D. C., Luz M. Torruellas, Rio Piedras, Puerto Rico.

ias, Hio Piedras, Puerto Rico.

For the employees: James E. Dicey, Sr.,
Portland, Oregon, Frank Grillo, Santurce,
Puerto Rico, Ben J. Man, Washington, D. C.

Puerto Rico, Ben J. Man, Washington, D. C. For the employers: Joseph C. Fagan, Madison, Wisconsin, James E. Bain, Ponce, Puerto Rico, Frank Romero, San Juan, Puerto Rico.

For the purpose of this order, the paper, paper products, printing, and publishing industry in Puerto Rico is defined as follows:

The manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufactuer of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates: Provided, however, That the industry shall not include any product or activity included in the leather. leather goods, and related products industry (29 CFR Part 602), as defined in

the wage order for that industry in Puerto Rico.

Industry Committee No. 41-D is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota; Walter R. Johnson, Washington, D. C.; Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees: James E. Dicey, Sr., Portland, Oregon; Frank Grillo, Santurce, Puerto Rico; Ben J. Man, Washington, D. C.

For the employers: Joseph C. Fagan, Madison, Wisconsin, Herman Gaztambide-Arrillaga, Rio Piedras, Puerto Rico; Agustin Rexach, Hato Rey, Puerto Rico.

For the purpose of this order, the lumber and wood products industry in Puerto Rico is defined as follows:

Logging, wood preserving, and the manufacture of all products made from lumber and wood and related materials, including, but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; trays, bowls, and other woodenware; excelsior. cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: Provided, however, That the industry shall not include any product or activity in the construction, business service, motion picture, and miscellaneous industry (29 CFR Part 672); the metal, machinery, transportation equipment, and allied products industry (29 CFR Part 604); the button, jewelry, and lapidary work industry (29 CFR Part 616), or the straw, hair, and related products industry (29 CFR Part 613), as defined in the wage orders for those industries in Puerto Rico, or in the paper, paper products, printing, and publishing industry, as defined in this Administrative Order No. 512.

I hereby refer to each of the abovenamed industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6 (c) of the act in the particular industries with which they are concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 41-A shall convene at 10:00 a.m. on September 3, 1958, in the office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Josè Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 41-B, 41-C, and 41-D, shall convene consecutively at the same place in that order at hours designated by the committee chairmen to conduct their investigations and to hold their-hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph

(1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committée shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider. among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the indus-

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than August 25, 1958.

Signed at Washington, D. C., this 29th day of July 1958.

James P. Mitchell, Secretary of Labor.

[F. R. Doc. 58-5905; Filed, July 31, 1958; 8:50 a. m.]

### **NOTICES**

### DEPARTMENT OF DEFENSE

### Department of the Army

BYRON C. HEACOCK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUISNESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Byron C. Heacock on July 1, 1958, in the Department of the Army. Mr. Heacock is serving as Chief of the San Francisco Ordnance District, San Francisco, California.

Mr. Heacock is presently retired.

Mr. Heacock's statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN, Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

- a. F. E. Booth Co., San Francisco: Director. b. Caterpillar Tractor Co., Peoria, Ill.: Director.
- c. South Pacific Airlines, Inc., San Francisco, Calif.: Director.
- 2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:
- a. F. E. Booth Co., San Francisco, Calif.: Stockholder, noteholder.
- b. Caterpillar Tractor Company, Peoria, Ill.: Stockholder.
- c. Oakland Bank of Commerce, Oakland, Calif.: Stockholder.
- d. Scott Paper Co., Chester, Pa.: Stock-holder.
- e. South Pacific Airlines, Inc., San Francisco, Calif.: Stockholder.
- 3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 6, 1958.

BYRON C. HEACOCK.

[F. R. Doc. 58-5967; Filed, July 31, 1958; 9:21 a. m.]

#### EDWARD F. McCrossin

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edward F. McCrossin on July 1, 1958, in the Department of the Army. Mr. McCrossin is serving as Chief of the New York Ordnance District.

Mr. McCrossin is self-employed. He is the sole owner of McCrossin and Company, New York.

Mr. McCrossin's statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN, Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

- 1. The names of any corporations of which I am, or within 60 days preceding this appointment have been, an officer or, director:
- a. Seaboard Fire & Marine Insurance Company of New York. Director.
- b. Yorkshire Insurance Company of New York. Director.
- c. Yuba Consolidated Industries. Director.
- 2. The names of any corporations in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Stockholder (Investments): Alabama Power Co.; American Metals, Ltd. American Tel. & Tel. Co. American Equitable Assurance Co.: Crown Cotton Mills of Dalton, Ga.; Cherokee Royalty Co., Beaumont, Tex.; General Electric Co.; Irving Trust Co. of N. Y. C.: Inland Steel Co.; Kennecott Copper Co.; Mississippi River Fuel Corp.; Mountain Fuel Supply Co.; National Steel Corp.; Pacific Gas & Electric Co.; Seaboard Fire & Marine Insurance Co.; Socony Mobile Oil Co.; Standard Oil of Calif.; Standard Oil of Ind.; Standard Oil of N. J.: Union Carbide & Carbon Corp.; F. W. Woolworth Co.; Yorktown Products Corp.; Yuba Consolidated Industries.

- 3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

  None.
- 4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

McCrossin & Company, Consulting Engineers—sole owner.

Dated: June 30, 1958.

/ EDWARD F. McCROSSIN.

[F. R. Doc. 58-5968; Filed, July 31, 1958; 9:21 a.m.]

### JOHN S. PFEIL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950, as amended) notice is hereby given of the appointment of Mr. John S. Pfeil on July 1, 1958, in the Department of the Army. Mr. Pfeil is serving as Chief of the Boston Ordnance District, Boston, Massachusetts.

Mr. Pfeil is presently retired.

Mr. Pfeil's statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN, Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

None.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Webber & Knapp, Inc.;
Mass. Investors Trust;
Incorporated Investors;
Eaton & Howard;
National Shawmut Bank;
Westcoast Transmission Co.;
General Motors Corp.;
Newton-Waltham Bank & Trust Co.;
Bank of America;
Norfolk Trust Co.;
Continental Baking Co.;
Eastern Utilities Associates;
Tennessee Gas Transmission.

- 3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:
- 4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1958.

JOHN S. PFEIL.

[F. R. Doc. 58-5969; Filed, July 31, 1958; 9:21 a. m.]

### KENNETH B. COATES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Kenneth B. Coates on July 1, 1958, in the Department of the Army. Mr. Coates is serving as Chief of the Detroit Ordnance District, Detroit, Michigan.

Mr. Coates is presently retired.

Mr. Coates' statement of his personal business interests is set forth below.

Dated: July 30, 1958,

JOHN W. MARTYN, Administrative Assistant.

Statement of Personal Business Interests

(a) The names of any corporation of which he is an officer or director:

Michigan Plating & Stamping Co., Grand

Rapids, Mich.—Director. Edgar Corp., 1341 Wanda Avenue, Ferndale

20, Mich.—Secretary & Director.

B/W Controller Corp., East Maple Road, Birmingham, Mich.—Secretary & Director.

(b) The names of any corporation in which he owns any stocks, bonds, or other financial interests which amount to 10% or more of the invested capital of the corporation or represent, for any one corporation, an investment of \$1,000 or more (approximate current market value) on the part of the proposed appointee:

Michigan Plating & Stamping Co., Grand Rapids, Mich.—Stockholder. Edgar Corp., 1341 Wanda Avenue, Ferndale

20, Mich.-Stockholder.

B/W Controller Corp., East Maple Road,

Birmingham, Mich.—Stockholder.
National Steel Corp., Grant Building,
Pittsburgh, Pennsylvania—Stockholder.

(c) The names of any partnerships in which he is a partner, with an indication of the approximate percentage of interest.

None.

(d) The names of any businesses of which he is the sole proprietor.

Real Estate: Livingston County, Brighton, Michigan.

Insurance: Northwestern Mutual; Equitable; Travellers.

Dated: June 11, 1958.

KENNETH B. COATES.

[F. R. Doc. 58-5970; Filed, July 31, 1958; 9:21 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[79890]

MINNESOTA

NOTICE OF FILING OF PLATS OF SURVEY

July 28, 1958.

Plats of Survey of the lands described below, accepted May 22, 1958, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington

25, D. C., effective 10:00 a. m., on September 1, 1958.

FOURTH P. M., MINNEOSTA

T. 43 N., R. 32 W.,

Sec. 3, Lot 3, containing 1.30 acres. Sec. 4, Lots 5, 6, containing 5.16 acres. T. 44 N., R. 32 W.,

Sec. 34, Lot 4, containing 0.77 acre.

FIFTH P. M., MINNESOTA

T. 132 N., R. 29 W., Sec. 17, Lots 2, 3, containing 4.85 acres. Sec. 18, Lot 5, containing 3.38 acres.

These plats represent the survey of five islands in the Mississippi River which were not included in the original surveys of the townships.

All islands in the Mississippi River were withdrawn, by the Secretary of the Interior on April 10, 1891, at the request of the Secretary of War in the interest of navigation.

Anyone having a valid settlement or right to any of the lands described initiated prior to the date of withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

> H. K. SCHOLL. Manager.

[F. R. Doc. 58-5882; Filed, July 31, 1958; 8:46 a. m.]

### Office of the Secretary

CERTAIN WATERS ADJACENT TO UPPER MIS-SISSIPPI RIVER WILDLIFE AND FISH REF-UGE, IOWA, MINNESOTA, AND WISCONSIN

NOTICE OF INTENTION TO DESIGNATE AS CLOSED AREAS UNDER THE MIGRATORY BIRD TREATY ACT

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U.S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to issue a regulation designating as closed areas in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, all lands and waters below the highwater mark of the Mississippi River, lying within the exterior boundaries of the areas designated as closed to hunting by the Director, Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior. on March 25, 1957 (50 CFR 33.275; 22 F. R. 2129), and including the followingdescribed reaches of the Mississippi

Pool 4: Beginning at the extreme southeast limits of the City Limits of Wabasha, Minnesota, and extending downstream to Lock and Dam No. 4

(Alma) and being within the Petersons Lake-Reicks Lake closed area.

Pool 5: Beginning at the south end of Fisher Island in Pool 5 and extending downstream about two and one-half miles to the mouth of the Whitewater River at the village of Minneiska and being between the Lost Island and Whitman closed areas.

Pool 5A: Beginning at the northern end of Island 63 and extending downstream about two and one-half miles to Lock and Dam No. 5A (Winona) and being within the Winona Pool closed

Pool 8: Beginning at the north end of Island 120 at the head of Raft Slough and extending downstream to Lock and Dam No. 8 (Genoa) and being within the Wisconsin Island closed area.

Pool 9: Beginning at the north end of Island 153 at the head of Harpers Slough and extending downstream to Lock and Dam No. 9 (Lynxville) and being within the Harpers Slough closed area.

Pools 10 and 11: Swift Slough from its head about one mile upstream from Lock and Dam No. 10 and extending downstream to its mouth about three-fourths mile below Lock and Dam No. 10 and being within the 12-Mile Island closed area.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed regulation by submitting their views, data, or arguments in writing to D. H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within 30 days of the date of publication of this notice in the Federal Register.

> FRED A. SEATON. Secretary of the Interior.

JULY 28, 1958.

[F. R. Doc. 58-5883; Filed, July 31, 1958; 8:46 a. m.]

### DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS AND ACTING REGIONAL FORESTERS

DELEGATION OF AUTHORITY FOR PROCURE-MENT OF ENGINEERING SERVICES BY NE-GOTIATED CONTRACT

Pursuant to the authority vested in the Chief, Forest Service by the Secretary of Agriculture, under date of June 13, 1958 (23 F. R. 4387), authority is delegated to Regional Foresters and Acting Regional Foresters to negotiate contracts without advertising in accordance with section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U.S. C. 252), for professional engineering services required for all roads, trails, bridges, dams buildings, cadastral surveys, landscapes, architectural and related professional engineering services such as planning and design of campgrounds, picnic areas, trailer parks, observation points, and playgrounds; together with necessary structures, water, sanitation and other facilities that are involved in programs of the Forest Service. Operating procedures previously approved by the Director, Office of Plant and Operations, shall be applicable to these delegations.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act, the delegation of authority of the Administrator, General Services Administration to the Secretary of Agriculture under date of May 26, 1958 (23 F. R. 3844), and the delegation of authority of the Secretary of Agriculture above mentioned, and shall not extend beyond July 1, 1959.

The authority herein delegated may not be redelegated. This delegation supersedes the prior delegation of authority on the same subject to Regional Foresters and Acting Regional Foresters, July 5, 1957 (22 F. R. 5553).

Done at Washington, D. C., this 18th day of July 1958.

[SEAL] RICHARD E. McArdle, Chief,

Forest Service.

[F. R. Doc. 58-5892; Filed, July 31, 1958; 8:48 a. m.]

### DEPARTMENT OF COMMERCE

### Office of the Secretary

MAX L. BLUESTONE

REPORT OF APPOINTMENT AND STATEMENT
OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

### Report of Appointment

- 1. Name of appointee: Mr. Max L. Bluestone.
- 2. Employing agency: Department of Commerce, Business and Defense Services Administration.
  - 3. Date of appointment: July 8, 1958.
  - 4. Title of position: Consultant.
- 5. Name of private employer: Bluestone Metal Company, Corliss Station, Pittsburgh 4, Pa.

CARLTON HAYWARD, Director of Personnel.

JUNE 6, 1958.

### Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bluestone Metal Co. Federal Alloy Corp. Washington Steel Co. General Motors Corp. Rockwell Standard Co. Rhodesian Selection Trust United Engineering & Foundry Co. U. S. Steel Corp. Merritt-Chapman & Scott Co. Commercial Solvent Co. Erie Railroad Co. Bank deposits

MAX L. BLUESTONE.

JULY 24, 1958.

[F. R. Doc. 58-5878; Filed, July 31, 1958; 8:45 a. m.]

#### CHARLES K. BASSETT

## STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of August 15, 1957, 22 F. R. 6577; February 4, 1958, 23 F. R. 727.

A. Deletions: no change.

B. Additions: no change.

This statement is made as of July 22, 1958.

CHARLES K. BASSETT.

JULY 27, 1958.

[F. R. Doc. 58-5879; Filed, July 31, 1958; 8:45 a. m.]

### FEDERAL POWER COMMISSION

[Docket No. G-14486]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 28, 1958.

Take notice that on February 14, 1958. Cities Service Gas Company (Applicant) filed in Docket No. G-14486 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of its existing transmission system from time to time during the calendar year 1958 at a total cost not in excess of \$1,000,000, all as more fully set forth in the application which is on file with the Commission and open to public inspec-

Applicant has agreed to accept a certificate in this docket with a maximum limitation of \$150,000 for any single project. The proposed facilities will be financed out of Applicant's treasury funds.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting new supplies of gas in producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1958, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,

Acting Secretary.

[F. R. Doc. 58-5893; Filed, July 31, 1958; 8:48 a. m.]

[Docket No. G-14180]

COLORADO-WYOMING GAS Co.

NOTICE OF APPLICATION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CON-VENIENCE AND NECESSITY

JULY 28, 1958.

Take notice that on June 16, 1958, Colorado-Wyoming Gas Company (Applicant) filed an application to amend the Commission's order issued on March 24, 1958, in Docket No. G-14180 granting a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, so as to cancel the authorization contained therein for the construction and operation of approximately 18,500 feet of new 16-inch suction line into Applicant's existing Mesa Compressor Station (Item 4 in the list of facilities outlined in said order of March 24, 1958), and so as to authorize the construction and operation of approximately 4,500 feet of 8-inch pipeline south of the City of Fort Collins, Colorado, and a new town border station for Fort Collins in lieu of the town border station which was part of Item 1 authorized in said order of March 24, 1958, all as more fully set forth in the application for amendment which is on file with the Commission and open to public inspection.

Applicant states that current operation of its facilities makes unnecessary the aforesaid 18,500 feet of new 16-inch suction line, and that a shift in the city limits of Fort Collins and in the building developments therein has caused the distributor customer to request the new location for the town border station

approximately one mile south and % mile east of the originally proposed location.

Protests or petitions to intervene in this matter may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958.

[SEAL]

MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc: 58-5894; Filed, July 31, 1958; 8:48 a. m.]

[Docket No. G-15538]

TEXAS Co.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 25, 1958.

The Texas Company (Texas) on June 27, 1958, tendered for filing proposed changes to its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated. Purchaser: Northern Natural Gas Com-

pany.

Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 10. Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 11. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 106. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 107. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 108. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 110.

Effective date: July 28, 1958 (effective date is the first day after expiration of required

thirty days' notice).

In support of the proposed redetermined rate increases, Texas filed a copy of the instrument in which the seller and buyer agreed to the increased price as a result of the price being arbitrated to 12.0 cents per Mcf between Northern Natural Gas Company and Cities Service Oil Company (another producer).

The rates currently in effect under aforementioned Texas' FPC Gas Rate Schedule Nos. 106, 107, 108, 109, and 110 reflect the effect of Kansas Minimum Price Order¹ and Kansas gas severance tax,² both of which have been invalidated by court action.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential,

or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed

changes, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 10, Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 11, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 106, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 7 to Texas' FPC Gas Rate Schedule No. 7 to Texas' FPC Gas Rate Schedule No. 108, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109 and Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 110, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 10. Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 11, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 106. Supplément No. 7 to Texas' FPC Gas Rate Schedule No. 107, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 108, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109 and Supplement No. 7 to Texas, FPC Gas Rate Schedule No. 110.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 28, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act, and such action is taken without prejudice to any action the Commission may take concerning the effectiveness of the invalidated Kansas Minimum Price Order or the Kansas gas severance tax.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rule of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5903; Filed, July 31, 1958; 8:50 a. m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4301]

- RESEARCH MUTUAL CORP.

ORDER TEMPORARILY SUSPENDING EXEMP-TION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 25, 1958.

I. Research Mutual Corporation, a \$1.00 per share, or \$250,000 in the aggre-New York corporation, 50 Broad Street, gate, for the purpose of obtaining an New York, N. Y., filed with the Commission on May 17, 1956, a notification on ments of the Securities Act of 1933, as

Form 1-A and subsequently filed amendments thereto, relating to a proposed public offering of 150,000 shares of its common stock, 50 cents par value, at \$1.50 per share of \$225,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of promulgated thereunder, and

II. The Commission has reasonable

cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that, the issuer has failed to file Form 2-A reports of sales, as required by Rule 224 of Regulation A.

224 of Regulation A.

B. On March 20, 1958, L. J. Mack & Company, Incorporated, 50 Broad Street, New York, N. Y., the underwriter, was permanently enjoined by a decree of the Supreme Court of the State of New York from engaging in the purchase and sale of securities in the State of New York as a result of its activities in the sale of Research Mutual Corporation common stock.

III. It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, tempo-

rarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

Nellye A. Thorsen, Assistant Secretary.

[F. R. Doc. 58-5885; Filed, July 31, 1958; 8:46 a. m.]

[File No. 24NY-4199]

United Drive-in Theatres Corp.

ORDER TEMPORARILY SUSPENDING EXEMP-TION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 25, 1958.

I. United Drive-In Theatres Corp., a New York corporation, 215 East 149th Street, New York 51, N. Y., filed with the Commission on January 16, 1956, a notification on Form 1-A and an offering circular and subsequently filed amendments thereto, relating to a proposed public offering of 250,000 shares of its common stock, 10 cents par value, at \$1.00 per share, or \$250,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as

<sup>&</sup>lt;sup>1</sup> Cities Service Gas Co. v. State Corporation Commission of Kansas et al., 355 U.S.

<sup>&</sup>lt;sup>2</sup> State of Kansas ex rel Dole v. Kirchner, 322 P. 2d 759.

amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable

cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that written communications were used in connection with the offering of the securities which had not been filed with the Commission as required by Rule 221:

B. Oral representations were made in connection with the sale of the securities which contained untrue statements of material facts and which omitted to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly, with respect to statements concerning the rise in value of the securities, the payment of dividends, the status of the issuer's business and the reputable nature of the underwriter's activities by reason of being subject to the jurisdiction of the Securities and Exchange Commission.

C. On March 20, 1958, L. J. Mack and Company, Inc. the underwriter of the offering, was permanently enjoined by the Supreme Court of the State of New York from engaging in the offer or sale of securities in that State.

D. The offering of securities would and did operate as fraud and deceit upon

the purchasers.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, tem-

porarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing, that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 58-5886; Filed, July 31, 1958; 8:47 a. m.]

### SMALL BUSINESS ADMINISTRA-TION

[Delegation of Authority 2-1D, Revision 2] HEAD, PROCUREMENT AND SUPPLY BRANCH

DELEGATION OF AUTHORITY RELATING TO PROCUREMENT AND SUPPLY FUNCTIONS

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division, by Delegation

of Authority No. 2-1A (Revision 1) as amended, 23 F. R. 557 and 5530, there is hereby redelegated to the Head, Procurement and Supply Branch, the authority:

A. Specific. 1. To approve purchases of Transportation of Things (object class .03), Printing and Binding (object class .06), and Supplies and Materials (object class .08).

2. To approve emergency petty cash purchases not to exceed \$10 for each purchase.

3. To issue purchase orders, printing and binding requisitions, and government bills of lading on approved requisitions.

B. Correspondence. To sign all routine correspondence to commercial vendors, other government agencies, and administrative officers of SBA field offices relating to requisitions, purchase orders, Dun and Bradstreet requests, and government bills of lading.

II. The specific authority delegated in I, A, 1 and I, A, 2 may not be redelegated.

III. The authority delegated herein may be exercised by any employee designated as Acting Head, Procurement and Supply Branch.

IV. All previous authority delegated to the Head, Procurement and Supply Branch by the Assistant Chief, Administrative Services Division, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Dated: July 23, 1958.

STEPHEN H. BEDWELL, Assistant Chief. Administrative Services Division.

[F. R. Doc. 58-5887; Filed, July 31, 1958; 8:47 a. m.]

[Declaration of Disaster Area 195]

### ILLINOIS

### DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I

hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred

Counties: LaSalle and Livingston (Floods occurring on or about July 13 and 14, 1958).

Office: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31,

Dated: July 17, 1958.

WENDELL B. BARNES. Administrator.

[F. R. Doc. 58-5888; Filed, July 31, 1958 8:47 a. m.I

### [Declaration of Disaster Area 196]

#### MISSOURI

#### DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of condi-

tions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I

hereby determine that:

1. Applications for disaster loans under the provisions of section 7 (b) of the Small Business Act, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Jefferson (Flash flood occurring

on or about July 20 and 21, 1958).

Offices: Small Business Administration
Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Missouri. Small Business Administration Branch Office, 630 New Federal Building, 1114 Market Street, St. Louis 1, Missouri.

2. No special field offices will be established at this time.
3. Applications for

disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1959.

Dated: July 23, 1958.

WENDELL B. BARNES, Administrator.

[F. R. Doc. 58-5889; Filed, July 31, 1958; 8:47 a. m.1

### INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 29, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 34846: Beverages-Illinois and Wisconsin points to points in the southwest. Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7334), for interested rail carriers. Rates on beverages, flavored or phosphated, noibn, and mineral water, noibn, or plain, concentrated or fortified, carbonated or not carbonated, straight or mixed carloads from Chicago, Ill., Milwaukee and Waukesha, Wis., to points in Arkansas, Louisiana (west of the Mississippi River), New Mexico, Oklahoma and

Grounds for relief: Modified short line distance formula, truck competition. Tariff: Southwestern Lines, tariff I. C. C. 4297.

FSA No. 34847: Pig iron-Calvert, Ky., to Detroit and Saginaw, Mich. Filed by O. W. South, Jr., Agent (SFA No. A3703), for interested rail carriers. Rates on pig iron, carloads from Calvert, Ky., to Detroit and Saginaw, Mich.

Grounds for relief: Market competition with other producing points.

Tariff: Supplement 127 to Southern Freight Association tariff I. C. C. 1420. FSA No. 34848: Apples-British Co-

lumbia to Kansas points. Filed by Trans-Continental Freight Bureau, Bureau, Agent (WTL No. A-1991) for interested rail carriers. Rates on apples, carloads from specified points in British Columbia on the Canadian Pacific Railroad to specified points in Kansas.

Grounds for relief: Grouping at destinations.

Tariff: Supplement 84 to Trans-Continental Freight Bureau tariff I. C. C.

By the Commission.

[SEAL]

HAROLD D. McCOY, Secretary.

[F. R. Doc. 58-5895; Filed, July 31, 1958; 8:48 a. m.]

### [Notice 7]

Motor Carrier Transfer Proceedings

JULY 29, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35332. By order of July 21, 1958, the Transfer Board approved the lease to Kenneth G. Duncan, William J. Duncan, and Lloyd G. Duncan, a partnership, doing business as Duncan Truck Service, Flandreau, South Dakota; of certificate in No. MC 107957, issued April 19, 1948, to Earl Gageby, Ward, South Dakota, authorizing the transportation of: Livestock, Agricultural implements, Lubricating oils and greases, in containers, and animal and poultry feed, between certain named points in Iowa, South Dakota, Minnesota, and Nebraska. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 61297. By order of July 21. 1958, the Transfer Board approved the transfer to Peter Zito, Jr., and Anthony N. Mark, Jr., a partnership, doing business as Z & M Garage, Philadelphia, Pennsylvania, of a permit in No. MC 36966, issued January 13, 1955, to Vincent D'Agata and Joseph Pagano, a partnership, doing business as D & P Transportation Co., Haddon Heights, New Jersey, authorizing the transportation of scales, machinery, and paper products, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, and Delaware within 50 miles of the City Hall in Philadelphia, and those in New Castle County, Del. Jacob Polin, 314 Old Lancaster Road, Merion, Pennsylvania, and P. O. Box 317, Bala-Cynwyd,

Pennsylvania, for applicants. No. MC-FC 61339. By order of July 21, 1958, the Transfer Board approved the transfer to William Hawthorne and Mary H. Wiegand, a partnership, doing business as Hawthorne & Co., Philadelphia, Pa., of Certificate No. MC 20558, issued June 9, 1937, to Reginald H. McKeefrey, doing business as John A. McKeefrey Company, Philadelphia, Pa., authorizing the transportation of boats. bells, monuments, and heavy industrial and commercial machinery, equipment, and material between Philadelphia, Pa., on the one hand, and on the other, points in New Jersey, Delaware, and specified portions of Pennsylvania and Maryland. Winokur & Kahn, 512 Market Street National Bank Building, Juniper and Market Streets,/Philadel-

phia 7, Pennsylvania, for applicants. No. MC-FC 61340. By order of July 21, 1958, the Transfer Board approved the transfer to R. C. Meyers, doing business as Meyers Transfer and Storage Company, Magnolia, Arkansas, of a portion of certificate in No. MC 7670, issued December 17, 1940, to W. H. Boswell, doing business as Boswell Truck Lines. Waldo, Arkansas, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in Columbia County, Ark., on the one hand, and, on the other, points in Louisiana and Texas. Harry B. Colay, First National Bank Building, Magnolia, Arkansas, for applicants.

No. MC-FC 61362. By order of July 21, 1958, the Transfer Board approved the transfer to Arrow Express, Inc., Chattanooga, Tennessee, of a certificate in No. MC 113963, issued July 31, 1956, to Arrow Express Corporation, Chattanooga, Tennessee, authorizing the transportation of industrial plants, and in connection therewith, machinery, equipment, and bulk stocks, and Class A, B, and C explosives, between specified points in Tennessee, Alabama, Kentucky, Georgia, North Carolina, South Carolina, Virginia, and Mississippi. James W. Wrape, 2111 Sterick Building, Memphis, Tennessee, for applicants.

No. MC-FC 61379. By order of July 21, 1958, the Transfer Board approved the transfer to John Boyd, Inc., Erdenheim (Philadelphia), Pennsylvania, of Permit No. MC 22542, issued June 30, 1937, to Isabel Boyd, Erdenheim (Philadelphia), Pennsylvania, authorizing the transportation of lime and crushed stone. from Plymouth Meeting, Pa., to points in New Jersey. A. E. Enoch, 556 Main

Street, Bethlehem, Pa., for applicants. No. MC-FC 61399. By order of July 21, 1958, the Transfer Board approved the transfer to James C. Werling, doing business as Bowlus Trucking Co., Fremont, Ohio, of Corrected Permit No. MC 2110, issued May 7, 1942, to Harry S. Bowlus, doing business as Bowlus Trucking Co., Fremont, Ohio, authorizing the transportation of castings and scrap casting between Fremont, Ohio, on the one hand, and, on the other, Detroit. Hamtramck, and Monroe, Mich., iron and steel castings from Fremont. Ohio. to four specified towns in Indiana, and points in twenty-three specified counties in Michigan, and scrap-iron and steel and rejected castings, from the above-specified destination points to 810 Fremont. Richard H. Brandon, Hartman Building, Columbus 15, Ohio, for applicants.

No. MC-FC 61403. By order of July 21, 1958, the Transfer Board approved the transfer to Ed Galigher, Bowerston, Ohio, of certificates in Nos. MC 112479 Sub 2 and MC 112479 Sub 6, issued June 2, 1953, and September 10, 1956, respectively, to Chester A. Smith, Cadiz, Ohio. authorizing the transportation of earthenware, over irregular routes, from Scio. Ohio, to Washington, D. C., and specified points in Massachusetts, Illinois, New York, Missouri, Maryland, Pennsylvania, and New Jersey. Richard H. Brandon, Sanborn, Nacey and Brandon, Hartman Building, Columbus 15, Ohio, for applicants.

[SEAL] HAROLD D. McCoy, Secretary.

[F. R. Doc. 58-5897; Filed, July 31, 1958; · 8:49 a.m.]